

Village of Mantua, Ohio  
**RESOLUTION 2012-28**  
*(amended)*

**A RESOLUTION REPEALING RESOLUTION 2011-37 AND GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMMENCE A PROJECT THAT IS EXPECTED TO BEGIN CONSTRUCTION IN FISCAL YEAR 2014.**

**WHEREAS**, per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities prior to making any necessary repairs to State Highways within the corporate limits; and

**WHEREAS**, the State has identified the need for the described project; and

**WHEREAS**, it is necessary that an agreement be entered into between the Local Public Agency (LPA), hereinafter referred to as the Village of Mantua, and the Ohio Department of Transportation in the matter of Project Identification number 82913 which is located in Section 19.18 of State Route 44 in Portage County Ohio which falls within the Village limits; and

**WHEREAS**, although this Council has previously enacted Resolution 2011-37 granting consent for the project, the parameters of the project have now changed, thereby requiring replacement legislation.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Village of Mantua, Portage County, Ohio, a majority or more of all members elected thereto concurring that:

**Section 1:** Resolution 2011-37 is hereby repealed.

**Section 2:** The State of Ohio has identified the need for minor rehabilitation from southern corporation limits to just north of bridge over the Cuyahoga River.

**Section 3:** In the best interest of the public, the Village of Mantua gives consent to the Director of Transportation to complete the project identified as Project 82913.

**Section 4:** The Village of Mantua agrees to participate in the cost of the sidewalk portion of the project only, at 20% of the total construction cost of said sidewalks; plus design engineering for said sidewalks.

**Section 5:** The Village of Mantua shall cooperate with the Director of Transportation and further agrees to pay 100% of the cost of any features requested by the Village of Mantua, other than as set forth in Section 4, which are determined by the State and Federal Highway Administration to be unnecessary for the project.

**Section 6:** The Village of Mantua agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the Village of Mantua. The Village of Mantua shall contribute its share of the cost of these items in accordance with the other sections herein.

Village of Mantua, Ohio  
**RESOLUTION 2012-28**  
*(amended)*

**Section 7:** The Village of Mantua agrees to acquire or make available to ODOT, in accordance with current State and Federal regulations, all necessary rights-of-way required for the described Project. The Village of Mantua also understands that rights-of-way costs include eligible utility costs.

**Section 8:** The Village of Mantua agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and ODOT Utilities Manual.

**Section 9:** Upon completion of the described Project, and unless otherwise agreed, the Village of Mantua shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including but not limited to 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 10:** The Mayor of the Village of Mantua, Ohio is hereby authorized on behalf of the Village of Mantua to enter into contracts with Ohio Department of Transportation pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Mayor is also empowered to assign all rights, title, interests of the Village of Mantua to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 11:** The Village of Mantua agrees that if Federal Funds are used to pay the cost of any consultant contract, the Village of Mantua shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the Village of Mantua agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The Village of Mantua agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the project. The Village of Mantua agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 12:** It is hereby found and determined that all formal actions of this Council concerning a relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 13:** This Resolution shall take effect upon the affirmative vote of a majority of

Village of Mantua, Ohio  
**RESOLUTION 2012-28**  
*(amended)*

the members of the Mantua Village Council, at the earliest period allowed by law.

Passed by Council this 21st day of May, 2013.

ATTEST:

\_\_\_\_\_  
Linda S. Clark, Mayor

\_\_\_\_\_  
Jenny August, Clerk of Council

I, Jenny August, Clerk of the Village of Mantua, Ohio, hereby certify that this Resolution was duly published by public posting at pre-designated posting places.

\_\_\_\_\_  
Jenny August, Clerk of Council

Approved as to legal form by:

\_\_\_\_\_  
Michele Stuck, Village Solicitor

Village of Mantua, Ohio  
**RESOLUTION 2012-28**  
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CERTIFICATE OF COPY

VILLAGE OF MANTUA, COUNTY OF PORTAGE, STATE OF OHIO

I, Jenny August, as duly elected Clerk-Treasurer of the Village of Mantua, Portage County, Ohio, do hereby certify that the forgoing is a true and correct copy of Resolution 2012-28, adopted by the Council of the Village of Mantua on the 21st day of May, 2013; that the publication of such Resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such Resolution have been taken, and that such Resolution and certificate of publication are of record in the Village of Mantua Record of Legislation for the year 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Jenny August, Clerk-Treasurer  
Village of Mantua, Ohio

[no seal required to accompany  
the executed legislation]

The foregoing is accepted as a basis for proceeding with the project herein described.

For the Village of Mantua, Ohio:

\_\_\_\_\_  
Linda S. Clark, Mayor

\_\_\_\_\_  
Jenny August, Clerk-Treasurer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

For the State of Ohio:

Attest:

\_\_\_\_\_  
Director, Ohio Department of Transportation

Date: \_\_\_\_\_