

RESOLUTION R93-7

PROJ. NO. 765 (93)
PID NO. 3920

F I N A L R E S O L U T I O N

Adopting plans;
Proposing Director to proceed;
Requesting Director to proceed;
(Chapter 5521, Ohio Revised Code)

Mr. Engel Smit moved the adoption of the following Resolution:

WHEREAS, At a meeting of the legislative authority of Oberlin, Ohio, held in the office of said legislative authority on this 12th day of July, 1993, a quorum being present the improvement of Oberlin Bikeway, under the provisions of Chapter 5521, Ohio Revised Code, came on for further consideration; said portion of highway as described in the legislation proposing cooperation with the Director of Transportation, enacted on the 18th day of February, 1986, being described as follows:

The improvement of the Oberlin Bikeway, beginning on the old abandoned Penn Central Right-of-way at Pyle South Amherst Road northeasterly across seven existing City Streets through the City for approximately 12,700 feet/2.4 miles, then due east on one off-road Right-of-way for approximately 1,000 feet/0.19 mile, connecting the asphalt bikeway on the abandoned Penn Central Right-of-way with a two lane ten foot wide striped and signed bikeway on the asphalt pavement along the east side of Artino Street, northerly for approximately 1,110 feet/0.21 mile, ending at the Rogers-Fermitech Company, 300 Artino Street, lying within the City of Oberlin. Total length of work being approximately 3.134 miles

; and

WHEREAS, In said legislation proposing cooperation, said legislative authority proposed to cooperate with the Director of Transportation in the improvement of Oberlin Bikeway, by assuming and contributing the entire cost and expense of the improvement, less the amount of Federal Funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration; and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Right-of-way and Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State.

In view of the fact that the total cost of the project for the City of Oberlin is now estimated in the amount of Five Hundred Eighty Eight Thousand - - - - -00/100 Dollars, (\$588,000.00), less Federal Funds in the amount of Five Hundred Eighty Eight Thousand - - - - -00/100 Dollars, (\$588,000.00), the City will not be required to deposit any funds at this time. The City's ultimate share of the cost will be determined when final actual costs and allocations are determined

; and

Lorain County - City of Oberlin
Oberlin Bikeway
Federal Aid Project No. BWM-5L99(1)
Final Resolution - Page 2

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and had transmitted copies of same to this legislative authority

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

Now, Therefore, Be It Resolved:

- I. That the section of highway described above be improved under the provisions of aforesaid law. That said work be done under the charge, care, and superintendence of the Director of Transportation and that said plans, specifications and estimates for this highway improvement as approved by the Director of Transportation are hereby approved and adopted by this legislative authority.
- II. That this legislative authority, is still of the opinion the proposed work on the described highway should be constructed, and that we should co-operate on the basis set forth in our proposal.
- III. That the installation of utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4, "Utility Relocations and Adjustments" and the Department of Transportation rules on Utility Accommodation.
- IV. That it is hereby agreed that the City shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other municipally owned utilities and/or any appurtenances thereto, which do not comply with Ohio Department of Transportation Directive HP-508, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- V. That traffic control signals will be installed on the project only when recommended by a study of roadway and traffic conditions by a traffic engineer or when at least one of the warranting conditions specified in the Ohio Manual of Uniform Traffic Control Devices is met and the municipality does hereby agree to place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

Lorain County - City of Oberlin
Oberlin Bikeway
Federal Aid Project No. BWM-5L99(1)
Final Resolution - Page 3

- VI. That the rights of way provided for said improvement shall be held inviolate for public highway purposes and no signs, posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.
- VII. That this legislative authority of Oberlin, Ohio, hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- VIII. That the Clerk of this legislative authority be, and he is hereby directed to transmit to the Director of Transportation a certified copy of these Resolutions.
- IX. This Resolution is hereby declared to be an emergence measure by reason of the need for expediting construction of project(s) to promote highway safety and provided it receives the affirmative vote of two-thirds of the members elected to the legislative authority, it shall take effect and be in force upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Thereupon Mrs. Joyce Adams seconded the said motion, and upon the roll being called, the result of the vote was as follows:

Vote on suspension of the rule acquiring an ordinance to be fully and distinctly read on three different days:
(Requires a yea vote by three-fourths of all elected members)

Yeas Six (6) Nays No (0)

Vote on Emergency Clause: Yeas Six (6) Nays No (0)

Passed July 12, 1993. Yeas Six (6) Nays No (0)

Attest: Sharon Miller Clerk Arnold Dennis Mayor

Attest: _____
Presiding Officer of the Legislative Authority

State of Ohio)
) Office of the Legislative Authority
Oberlin, Ohio)

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the legislative authority of Oberlin, Ohio, which Resolution was duly passed by said

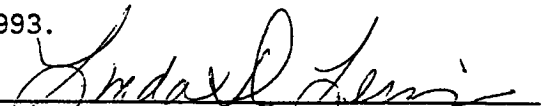
legislative authority of Oberlin, Ohio, on the

12th day of July, 1993, and that the same is a true and correct copy of the record of said Resolution and the action of said legislative authority thereon.

We further certify that said Resolution and the action of said legislative authority thereon is recorded in the journal of said legislative authority in volume _____, at page _____, and under date of July 13, 1993.

IN WITNESS WHEREOF, We have hereunto set our hands and seal, this

13th day of July, 1993.



Presiding Officer

*SEAL



Clerk (Secretary Ex-Officio)

Legislative Authority of
Oberlin, Ohio.

*Note: If the Legislative Authority does not have an official seal, this fact should be state by separate letter and attached hereto.

PROJ. NO. 765 (93)
PID ~~3920~~ 3930
RESOLUTION R93-7

THE AGREEMENT HEREIN is approved as
to form pursuant to the requirements
of law:

Lauren M. Rod, Assistant
Attorney General of Ohio

Aug 3, 1993

C O N T R A C T

(Chapter 5521, Ohio Revised Code)

This contract and agreement made in duplicate this 13th

day of July, 1993, by and between the City of Oberlin,
Ohio, hereinafter referred to as the legislative authority and the State of
Ohio, hereinafter referred to as the State, witnesseth:

WHEREAS, On the 18th day of February, 1986, said legislative authority
adopted legislation proposing to cooperate with the State in the highway
improvement, which is to be made by and under the supervision of the Director of
Transportation, said highway improvement being described as follows:

The improvement of the Oberlin Bikeway, beginning on the old abandoned
Penn Central Right-of-way at Pyle South Amherst Road northeasterly across
seven existing City Streets through the City for approximately 12,700
feet/2.4 miles, then due east on one off-road Right-of-way for
approximately 1,000 feet/0.19 mile, connecting the asphalt bikeway on the
abandoned Penn Central Right-of-way with a two lane ten foot wide striped
and signed bikeway on the asphalt pavement along the east side of Artino
Street, northerly for approximately 1,110 feet/0.21 mile, ending at the
Rogers-Fermitech Company, 300 Artino Street, lying within the City of
Oberlin. Total length of work being approximately 3.134 miles

; and

WHEREAS, Thereafter, on the 9th day of April, 1986, the Director of
Transportation accepted the proposal of said legislative authority to cooperate
with the State in said highway improvement, said action of the Director of
Transportation being recorded in the Director's journal, volume 71 at page 316

; and

WHEREAS, On the _____ day of _____, 1993, the Director of Transportation
determined to make the proposed highway improvement, when, in his judgment,
conditions permit the advertising and awarding of a contract, therefor

; and

WHEREAS, Thereafter, on the 30th day of June, 1993, the Director of
Transportation submitted plans and estimates for said highway improvement to the
legislative authority for approval

Lorain County - City of Oberlin
Oberlin Bikeway
Federal Aid Project No. BWM-5L99(1)
Contract - Page 2

; and

WHEREAS, Thereafter, on the 12th day of July

1993, said legislative authority duly adopted a final resolution, approving plans, proposing to co-operate, requesting the Director of Transportation to proceed and resolving to enter into a contract with the State in conformity with previous resolutions

; and

WHEREAS, The Clerk has reported to this legislative authority that a certified copy of such Resolution has been duly transmitted to said Director of Transportation

; and

WHEREAS, In said legislation proposing cooperation, said legislative authority proposed to cooperate with the Director of Transportation in the improvement of Oberlin Bikeway, by assuming and contributing the entire cost and expense of the improvement, less the amount of Federal Funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration; and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Right-of-way and Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State.

In view of the fact that the total cost of the project for the City of Oberlin is now estimated in the amount of Five Hundred Eighty Eight Thousand - - - - - 00/100 Dollars, (\$588,000.00), less Federal Funds in the amount of Five Hundred Eighty Eight Thousand - - - - - 00/100 Dollars, (\$588,000.00), the City will not be required to deposit any funds at this time. The City's ultimate share of the cost will be determined when final actual costs and allocations are determined

; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and had transmitted copies of same to this legislative authority

WHEREAS, Said legislative authority agrees that upon completion of said improvement it will, thereafter, keep said highway open to traffic at all times; and

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto, and make ample financial and other provisions for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-

Lorain County - City of Oberlin
Oberlin Bikeway
Federal Aid Project No. BWM-5L99(1)
Contract - Page 3

of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

- (c) Will place and maintain all traffic control devices conforming to the Ohio Manual Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

- (d) Regulate parking in the following manner:

Prohibit parking in accordance with Section 4511.11 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution

; and

WHEREAS, Said City further agrees:

- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement shall be made available therefor.
- (b) That the City will acquire any additional right-of-way required for the construction of the aforesaid improvement in accordance with the applicable State and Federal Regulations and instructions given by the State.
- (c) That arrangements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by the City or the Department of Transportation Engineer.
- (d) That it is hereby agreed that the City shall at, its own expense, make all rearrangements of water mains, service lines, fire hydrants valve boxes, sanitary sewers, or other municipally owned utilities and/or any appurtenances thereto, which do not comply with Ohio Department of Transportation Directive H-P-508, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangements of both publicly and privately owned utilities, referred to in subsections (c) and (d) above shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all back filling of trenches made necessary by such

Lorain County - City of Oberlin
Oberlin Bikeway
Federal Aid Project No. BWM-5L99(1)
Contract - Page 4

utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.

- (f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4, "Utility Relocations and Adjustments" and the Department of Transportation rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.
- (h) Change orders and extra work contracts required to fulfill the construction contract shall be processed as needed. The Director of Transportation shall not approve a change order or extra work contract until he first gives notice, in writing, to this legislative authority. This legislative authority shall contribute its share of these items in accordance with other sections herein.

NOW, THEREFORE, In consideration of the foregoing and the construction of said improvement desired and determined by the legislative authority of Oberlin, Ohio, said legislative authority hereby contracts and agrees with the State of Ohio that it will pay, upon the requisition of the Director of Transportation an amount equivalent to the entire cost and expense of the project, less the amount of Federal Funds assigned to the cost thereof.

In view of the fact, that the total share of the cost of the project for the City of Oberlin, is now estimated in the amount Five Hundred Eighty Eight Thousand - - - - - 00/100 Dollars, (\$588,000.00), less Federal Funds in the amount of Five Hundred Eighty Eight Thousand - - - - - 00/100 Dollars, (\$588,000.00), the City will not be required to deposit any funds at this time. The ultimate share of the cost will be determined when final actual costs and allocations are determined.

Attest: Sharon Miller

For the City of Oberlin, Ohio.

[Signature]
City Manager

Lorain County - City of Oberlin
Oberlin Bikeway
Federal Aid Project No. BWM-5L99(1)
Contract -- Page 5 of 5 Pages

(Contractual Officer(s) Signature(s)
and Title) of Oberlin, Ohio.

Attest: Ann Wright State of Ohio
Accepted by: Jerry Wray
Director of Transportation

State of Ohio)
Oberlin, Ohio) Office of the Legislative Authority

This is to certify that we have compared the foregoing copy and contract with the original record thereof, found in the record of the proceedings of the legislative authority of Oberlin, Ohio, and which contract

was duly signed by the City Manager of Oberlin, Ohio, on the

13th day of July, 1993, and that the same is a true and correct copy of the record of said contract and the action of said legislative authority thereon.

We further certify that said contract and the actions of said legislative authority thereon is recorded in the journal of said legislative authority

in volume _____, at page _____, and under date of July 13, 1993.

IN WITNESS WHEREOF, We have hereunto set our hands and seal, this

13th day of July, 1993.

Andair Linn
Presiding Officer

*SEAL

Shawn Miller
Clerk (Secretary Ex-Officio)

Legislative Authority of
Oberlin, Ohio.

*Note: If the Legislative Authority does not have an official seal, this fact should be stated by separate letter and attached hereto.