

ORDINANCE NO. 02-94 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FILE A JOINT APPLICATION WITH THE NEW RUSSIA TOWNSHIP BOARD OF TRUSTEES TO THE DISTRICT 9 PUBLIC WORKS INTEGRATING COMMITTEE FOR OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized and directed to file a joint application with the New Russia Township Board of Trustees to the District 9 Public Works Integrating Committee for Ohio Public Works Commission (OPWC) Issue II Round 17 funding for the following project:

East Hamilton Street Resurfacing

SECTION 2. That the City of Oberlin hereby agrees that the New Russia Township Board of Trustees shall be designated "Lead Agency" for the purposes of this OPWC Issue II Round 17 project.

SECTION 3. That the City Manager is hereby authorized and directed to enter into a co-operation agreement with the New Russia Township Board of Trustees for the purposes of administering this Issue II Round 17 project only.

SECTION 4. That the City of Oberlin hereby agrees that if said Issue II Round 17 project is funded, the City of Oberlin will provide matching funds in the proportions as designated in the grant application.

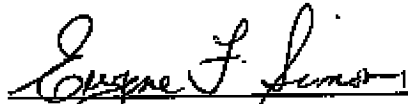
SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

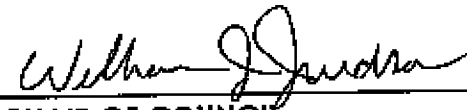
SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"in order to allow for the completion of the grant application in a timely manner", and shall take effect immediately upon passage.

PASSED: 1st Reading – September 3, 2002 (E)
 2nd Reading –
 3rd Reading –

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: 9/4/02

EFFECTIVE DATE: 9/3/02

For Council's information.
Rob

City of Oberlin

85 South Main St. Oberlin, OH 44074

Public Works Department

June 11, 2003

TO: Rob DiSpirito, City Manager
FROM: Jeff Baumann, Public Works Director *JWB*
RE: East Hamilton St paving/Issue II Round 17 Application

The City developed a joint Issue II application with New Russia Township to resurface and make drainage improvements to East Hamilton Street from Rt. 58 east to the intersection with Oberlin-Elyria Rd. (old US 20). New Russia Township is the lead agency for the proposed project since about 64% of the project is in the township. The City budgeted \$28,051 in the 2003 Capital Budget and an amount just under \$8,000 per year for 10 years for a proposed 0% interest OPWC loan for the remainder of our share.

This project is on hold for the 2003 construction year since the application was not approved for funding. We met with New Russia Township Dick Williams and with Assistant Lorain County Engineer, John Hamilton several weeks ago about the possibility of modifying our application to improve the likelihood of funding. The options included requesting 100% loan funding (rather than the proposed mix of grant and loan) or increasing the amount of the local match.

Although the City was prepared to consider either of these as viable options, New Russia Township was not willing to do so. Since approximately 2/3rds of the project is in the township, their potential additional cost was roughly twice ours. John Hamilton suggested that if the City and Township were to re-apply for the same project in the 2004 funding cycle, it was highly likely that it would be recommended and approved for funding.

The long and short of it is that we will not be pursuing the construction of the proposed improvements to East Hamilton St. in 2003. Assuming the Township is still willing and interested, this project will be re-submitted for Issue II funding in Round 18.

If there are any questions, please contact me.

Cc: Keith Johnson, City Engineer

**COOPERATION AGREEMENT
BY AND BETWEEN
THE TOWNSHIP OF NEW RUSSIA
AND
THE CITY OF OBERLIN**

This Agreement, by and between the Township of New Russia, County of Lorain, State of Ohio (hereinafter referred to as "Township") and the City of Oberlin, County of Lorain, State of Ohio (hereinafter referred to as "City"), is hereby entered into on this 3rd day of September, 2002.

Whereas, the Township and the City intend to file a joint application to the Ohio Public Works Commission (hereinafter referred to as "OPWC") for Issue II Round 17 funding for the project known as "East Hamilton Rd. Reconstruction"; and

Whereas, the OPWC requires that the parties submitting a joint application for funding enter into a "Cooperation Agreement".

Now, therefore, both parties do hereby mutually agree as follows

1. **Lead Agency**
The City does hereby authorize the Township to be the lead applicant and, as such, to sign all necessary documents
2. **Project Financing**
 - a. The Township will provide funds totaling 63.54% of the cost of the project. Said funds will come from the General, Gasoline Tax, and/or Road & Bridge funds. Furthermore, the Township agrees to pay its 63.54% of the cost as invoices are due/at the end of the project/as otherwise agreed upon.
 - b. The City will provide funds totaling 36.46% of the cost of the project. Said funds will come from the Capital Improvement fund. Furthermore, the City agrees to pay its 36.46% of the cost as invoices are due/at the end of the project/as otherwise agreed upon
3. **Project Authorization**
 - a. This project is authorized by New Russia Township Resolution Number 2002-08-10
 - b. This project is authorized by City of Oberlin Ordinance Number 02-94 AC CMS.

4. **Term of Agreement**

This Agreement shall commence at the latest date set forth below. This Agreement shall be commensurate with the term of the OPWC grant award

5. **Successors and Assigns**

This Agreement shall be binding upon and inure to the benefit of the Township and the City. This Agreement and its rights and responsibilities shall not be assigned or transferred without the prior written consent of the Township and of the City.

6. **Severability**

If any section of this Agreement is found to be illegal, unconstitutional, improper or unenforceable, said section shall not affect the enforceability of the remainder of this Agreement.

7. **Jurisdiction**

This Agreement shall be construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the Township of New Russia and the City of Oberlin have executed this Agreement.

Township of New Russia:

BY: John S. Piwinski
John S. Piwinski
Trustee

DATE: 9-3-02

City of Oberlin:

BY: Robert DiSpirito
Robert DiSpirito
City Manager

DATE: 9/4/02

Approved as to form:

Eric Severs
Eric Severs, City Solicitor

CITY OF OBERLIN

85 SOUTH MAIN ST. OBERLIN, OH 44074

Public Works Department

August 30, 2002

TO: Rob DiSpirito, City Manager

FROM: Jeff Baumann, Public Works Director *Jeff*

RE: Issue II Round 17 Application

Please find attached our application for Ohio Public Works Commission Issue II Round 17 (FY2003) funding. This is a joint application with New Russia Township to resurface and make drainage improvements to East Hamilton Street from Rt. 58 east to the intersection with Oberlin-Elyria Rd. (old US 20). The majority (approximately 64% by cost estimate) of this project is located in New Russia Township. Therefore, NRT is the designated "Lead Agency" for the purposes of the application.

This application has been prepared by NRT Clerk, Elaine King and me. The cost estimates have been prepared by the Lorain County Engineer's Office- we received them yesterday. The entire cost of the project is estimated to be \$295,913. NRT has agreed to apply for 50% of OPWC project funding, an amount equal to \$109,488 as a 12 year no-interest loan. This will enhance the probability of a successful application. If successful, the City would effectively receive an OPWC grant for \$79,839; the local fund match is estimated to be \$28,052. This will be reflected in our 2003 Capital Budget request.

There is a "Co-operation Agreement" with New Russia Township for this project which specifically references the cost share percentages- this is reflected in the language of the Ordinance. It is anticipated that the New Russia Township trustees will also approve authorizing legislation on September 3rd. This application is due on September 6, 2002 so we respectfully request passage on emergency. If there are any questions, please contact me.

APPLICATION FOR FINANCIAL ASSISTANCE

Revised 4/99

IMPORTANT: Please consult the "Instructions for Completing the Project Application" for assistance in completion of this form.

SUBDIVISION: New Russia Township CODE # 093-69330

DISTRICT NUMBER: 9 COUNTY: Lorain DATE: 09/03/02

CONTACT: Elaine R. King PHONE # (440) 775-7782 (THE PROJECT

CONTACT PERSON SHOULD BE THE INDIVIDUAL WHO WILL BE AVAILABLE DURING BUSINESS HOURS AND WHO CAN BEST ANSWER OR COORDINATE THE RESPONSE TO QUESTIONS)

FAX: (440) 774-5004 E-MAIL erknrt@oberlin.net

PROJECT NAME: East Hamilton Road Reconstruction

SUBDIVISION TYPE

(Check Only 1)

- ☐ 1.County
☐ 2.City
☒ 3.Township
☐ 4.Village
☐ 5.Water/Sanitary District
(Section 6119 or 6117 O.R.C.)

FUNDING TYPE REQUESTED

(Check All Requested & Enter Amount)

- ☒ 1. Grant \$ 109,488
☒ 2. Loan \$ 109,488
☐ 3. Loan Assistance\$

PROJECT TYPE

(Check Largest Component)

- ☒ 1.Road
☐ 2.Bridge/Culvert
☐ 3.Water Supply
☐ 4.Wastewater
☐ 5.Solid Waste
☐ 6.Stormwater

TOTAL PROJECT COST: \$295,913 FUNDING REQUESTED: \$218,976

DISTRICT RECOMMENDATION

To be completed by the District Committee ONLY

GRANT: \$ _____ LOAN ASSISTANCE: \$ _____

SCIP LOAN: \$ _____ RATE: _____ % TERM: _____ yrs.

RLP LOAN: \$ _____ RATE: _____ % TERM: _____ yrs.

(Check Only 1)

- ☐ State Capital Improvement Program ☐ Small Government Program
☐ Local Transportation Improvements Program

FOR OPWC USE ONLY

PROJECT NUMBER: C _____ / C _____

Local Participation _____ %

OPWC Participation _____ %

Project Release Date: _____

OPWC Approval: _____

APPROVED FUNDING: \$ _____

Loan Interest Rate: _____ %

Loan Term: _____ years

Maturity Date: _____

Date Approved: _____

SCIP Loan _____ RLP Loan _____

1.0 PROJECT FINANCIAL INFORMATION

1.1 PROJECT ESTIMATED COSTS: (Round to Nearest Dollar)

Force Account
Dollars

TOTAL DOLLARS

- a.) Basic Engineering Services: \$.00
- Preliminary Design \$
Final Design \$
Bidding \$
Construction Phase \$ 3,500
- Additional Engineering Services \$ 3,500.00
*Identify services and costs below.
- b.) Acquisition Expenses:
Land and/or Right of Way \$.00
- c.) Construction Costs: \$ 279,416.00
- d.) Equipment Purchased Directly: \$.00
- e.) Permits, Advertising, Legal: \$.00
(Or Interest Costs for Loan Assistance
Applications Only)
- f.) Construction Contingencies: \$ 12,997.00
- g.) TOTAL ESTIMATED COSTS: \$ 295,913.00

*List Additional Engineering Services here:
Service:

Cost:

1.2 PROJECT FINANCIAL RESOURCES:
(Round to Nearest Dollar and Percent)

	DOLLARS	%
a.) Local In-Kind Contributions	\$ <u> .00</u>	
b.) Local Revenues	\$ <u> 76,937.00</u>	<u> 26</u>
c.) Other Public Revenues		
ODOT	\$ <u> .00</u>	
Rural Development	\$ <u> .00</u>	
OEPA	\$ <u> .00</u>	
OWDA	\$ <u> .00</u>	
CDBG	\$ <u> .00</u>	
OTHER _____	\$ <u> .00</u>	
SUBTOTAL LOCAL RESOURCES:	\$ <u> 76,937.00</u>	<u> 26</u>
d.) OPWC Funds		
1. Grant	\$ <u> 109,488.00</u>	<u> 37</u>
2. Loan	\$ <u> 109,488.00</u>	<u> 37</u>
3. Loan Assistance	\$ <u> .00</u>	
SUBTOTAL OPWC FUNDS:	\$ <u> 218,976.00</u>	<u> 74</u>
e.) TOTAL FINANCIAL RESOURCES:	\$ <u> 295,913.00</u>	<u> 100%</u>

1.3 AVAILABILITY OF LOCAL FUNDS:

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local share funds required for the project will be available on or before the earliest date listed in the Project Schedule section.

ODOT PID# _____ Sale Date: _____
 STATUS: (Check one)
 Traditional _____
 Local Planning Agency (LPA) _____
 State Infrastructure Bank _____

2.0 PROJECT INFORMATION

If the project is multi-jurisdictional, information must be consolidated in this section.

The proposed project is a joint project of New Russia Township and the City of Oberlin. Approximately 64% of the project is located in New Russia Township, therefore, New Russia Township is designated as the lead agency.

2.1 PROJECT NAME: East Hamilton Street Resurfacing

2.2 BRIEF PROJECT DESCRIPTION – (Sections A through C):

A: SPECIFIC LOCATION:

The project segment is East Hamilton St from State Rt. 58, east to its intersection with Oberlin-Elyria Road (formerly U.S. Rt. 20). See attached map.

PROJECT ZIP CODE: 44074

B: PROJECT COMPONENTS:

Asphalt resurfacing, base repair, driveway culvert replacement, center and edge line striping and ditch cleaning and setback.

C: PHYSICAL DIMENSIONS:

<u>Resurfacing:</u>	<u>Lineal Feet</u>	<u>Square Yards</u>	<u>Ditch Setback: Lineal Feet</u>
New Russia Twp:	5,245 ln. ft.	14,673 sq. yds.	8,200 ln. ft.
City of Oberlin:	2,615 ln. ft.	9,450 sq. yds.	300 ln. ft.
Shared:	2,715 ln. ft.		
TOTAL:	10,575 ln. ft.	24,123 sq. yds.	8,500 ln. ft.

D: DESIGN SERVICE CAPACITY:

Detail current service capacity versus proposed service level.

East Hamilton St is the primary connector street from Oberlin-Elyria Road (formerly U.S. Rt. 20) to the east to the Lorain County Metroparks SplashZone and the City of Oberlin Recreation Complex just west of St. Rt. 58 on West Hamilton St. ADT is expected to increase from 644 to 702 as a result. The proposed improvements will result in safer transit on East Hamilton St.

Road or Bridge: Current ADT: 644 * Year: 2002 Project ADT: 702 * Year: 2003

*Traffic Impact Study by Traff-Pro Consultants dated May, 2002

Water/Wastewater: Based on monthly usage of 7,756 gallons per household, attach current rate ordinance. Current Residential Rate: \$_____ Proposed Rate: \$_____

Stormwater: Number of households served: _____

2.3 USEFUL LIFE/COST ESTIMATE: Project Useful Life: 12 Years.

Attach Registered Professional Engineer's statement, with original seal and signature confirming the project's useful life indicated above and estimated cost.

3.0 REPAIR/REPLACEMENT or NEW/EXPANSION:

TOTAL PORTION OF PROJECT REPAIR/REPLACEMENT \$ 295,913

TOTAL PORTION OF PROJECT NEW/EXPANSION \$

4.0 PROJECT SCHEDULE:*

	BEGIN DATE	END DATE
4.1 Engineering/Design:	<u>07 / 15 / 02</u>	<u>09 / 01 / 02</u>
4.2 Bid Advertisement and Award:	<u>06 / 01 / 03</u>	<u>07 / 15 / 03</u>
4.3 Construction:	<u>07 / 30 / 03</u>	<u>10 / 31 / 03</u>
4.4 Right-of-Way/Land Acquisition :	<u> / /</u>	<u> / /</u>

* Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by the CEO of record and approved by the commission once the Project Agreement has been executed. The project schedule should be planned around receiving a Project Agreement on or about July 1st.

5.0 PROJECT OFFICIALS:

5.1 CHIEF EXECUTIVE OFFICER John S. Pjwinski
TITLE Trustee
STREET 46268 Butternut Ridge Road

CITY/ZIP Oberlin / 44074
PHONE (440) 774 - 4969
FAX (440) 774 - 5004
E-MAIL jspnrt@oberlin.net

5.2 CHIEF FINANCIAL OFFICER Elaine R. King
TITLE Clerk
STREET 46268 Butternut Ridge Road

CITY/ZIP Oberlin / 44074
PHONE (440) 775 - 7782
FAX (440) 774 - 5004
E-MAIL erknrt@oberlin.net

5.3 PROJECT MANAGER Fred A. Swanson
TITLE Trustee
STREET 46268 Butternut Ridge Road

CITY/ZIP Oberlin / 44074
PHONE (440) 775 - 7460
FAX (440) 774 - 5004
E-MAIL fasnrt@oberlin.net

Changes in Project Officials must be submitted in writing from the CEO.

6.0 ATTACHMENTS/COMPLETENESS REVIEW:

Confirm in the blocks [] below that each item listed is attached.

- [X] A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
- [X] A certification signed by the applicant's chief financial officer stating all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
- [X] A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's original seal or stamp and signature.
- [X] A cooperation agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.
- [] Projects which include new and expansion components and potentially affect productive farmland should include a statement evaluating the potential impact. If there is a potential impact, the Governor's Executive Order 98-VII and the OPWC Farmland Preservation Review Advisory apply.
- [X] Capital Improvements Report: (Required by O.R.C. Chapter 164.06 on standard form)
- [X] Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your *local* District Public Works Integrating Committee.

7.0 APPLICANT CERTIFICATION:

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

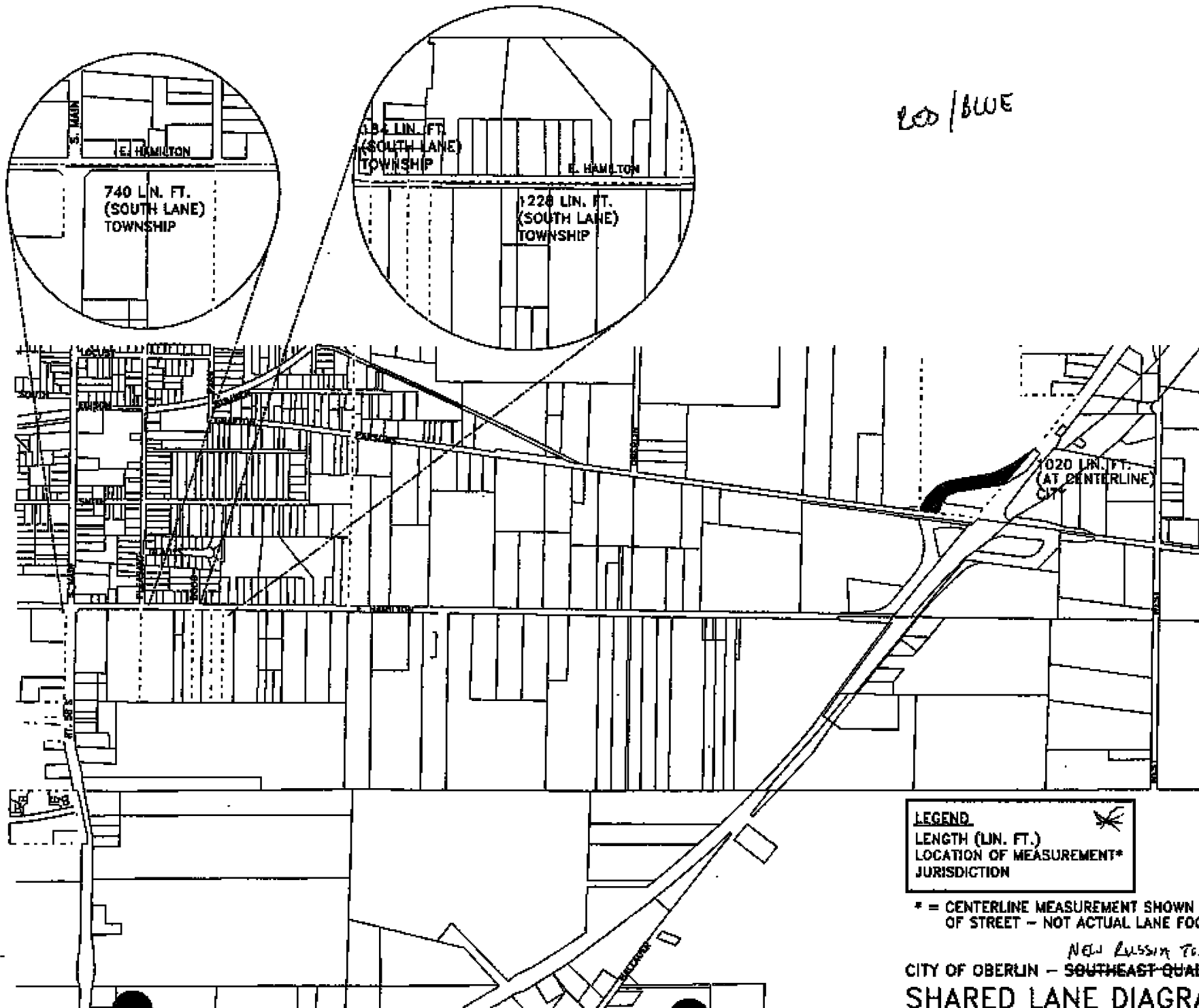
Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.

Certifying Representative (Type or Print Name and Title) John S. Piwinski, Trustee

09 / 03 / 02

Original Signature/ Date Signed

RED / BLUE



"COOPERATION AGREEMENT"

Execute a cooperation agreement if your project is a joint project with the active participation of two or more subdivisions.

RESOLUTION NUMBER 2002-08-10 ORDINANCE NUMBER 02-

The Township of New Russia and The City of Oberlin enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the East Hamilton Road Reconstruction Project.

The Township of New Russia will provide funds totaling 63.54 % of the cost of the project. Such funds will come from the General, Gasoline Tax, and/or Road & Bridge funds.

The City of Oberlin will provide funds totaling 36.46 % of the cost of the project. Such funds will come from the Capital Improvement fund.

The City of Oberlin authorizes The Township of New Russia to be the lead applicant and to sign all necessary documents.

The Township of New Russia agrees to pay its 63.54 % of the cost as invoices are due/at the end of the project/as otherwise agreed upon.

The City of Oberlin agrees to pay its 36.46 % of the cost as invoices are due/at the end of the project/as otherwise agreed upon.

SEE ATTACHED RESOLUTION AND ORDINANCE