

**PRELIMINARY LEGISLATION**

RC 5521.01

RESOLUTION NO. 2013-51

PID NO. 8 8 2 9 0

CTY-RTE-SEC CUY-SRTS-FY2011 CHAGRIN FALLS

The following is a resolution enacted by the Village of Chagrin Falls, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**SECTION I - Project Description**

WHEREAS, the STATE has identified the need for the described project:

**Construct new sidewalks along Cleveland Street between Washington Street and Mill Street to connect to existing sidewalks. Construct a pedestrian structure adjacent to Mill Street near the North Street intersection to the existing sidewalk near the Mill Street bridge over the Chagrin River. Upgrade signing and pavement markings along several pedestrian routes to schools. All the work is within the Village of Chagrin Falls.**

NOW THEREFORE, be it ordained by the Council of the Village of Chagrin Falls, Ohio.

**SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. And further, the LPA agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation.**

**The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.**

**SECTION IV - Utilities and Right-of-Way Statement**

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA 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 the ODOT Utilities Manual.

**SECTION V - Maintenance**

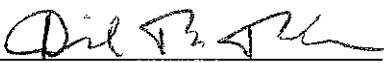
Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for 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 VI - Consultants and Authority to Sign**


The Mayor of said Village is hereby empowered on behalf of the Village to enter into contracts with ODOT 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, and interests of the Village 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.

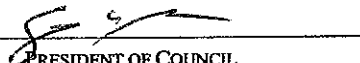
The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA 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 LPA 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.

Passed: August 12, 2013  
DATE

Attested:   
CLERK

  
MAYOR

Attested: 

  
PRESIDENT OF COUNCIL

This resolution is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY  
STATE OF OHIO**

The Village of Chagrin Falls, Cuyahoga County, Ohio

I, DAVID B. Bloom, as Clerk of the Village of Chagrin Falls, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said Village of Chagrin Falls on the 12 day of August, 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 thereof are of record in \_\_\_\_\_, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 21 day of August, 2013.

*David B. Bloom*

CLERK  
VILLAGE OF CHAGRIN FALLS, OHIO

(SEAL)  
(If Applicable)

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

For the Village of Chagrin Falls, Ohio

Attest: Bud Subeggin Thomas Brick, Date 8.13.13  
MAYOR

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For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION