

AN ORDINANCE ENACTED BY THE CITY OF STOW, SUMMIT COUNTY, OHIO, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT, SUM-SR91-09.59, PID 102183, UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Transportation has identified the need for the described project:

Improve SR 91/Graham Road intersection by removing southbound slip land and island to provide standard right turn lane. Includes upgrading traffic signal and operation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. Consent. Being in the public interest, the City of Stow gives consent to the Director of Transportation to complete the above described project.

SECTION 2. Cooperation. That said City of Stow shall cooperate with the Director of Transportation in the above described project as follows:

The City of Stow agrees to participate in the cost of preliminary engineering and construction within the city limits at ten percent (10%) total cost.

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

The City of Stow further 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 City of Stow. The City of Stow shall contribute its share of the cost of these items in accordance with other sections herein.

The City of Stow further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION 3. Maintenance. Upon completion of the described Project, and unless otherwise agreed, the City of Stow 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 4. Authority to Sign. That the Mayor of said City of Stow is hereby empowered on behalf of the City of Stow 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.

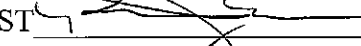
Upon request of ODOT, the Mayor is also empowered to assign all rights, title, and interests of the City of Stow to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The City of Stow agrees that if Federal Funds are used to pay the cost of any consultant contract, the City of Stow shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the City of Stow agrees to incorporate ODOT's "Specification for Consulting Services" as a contract document in all of its consultant contracts. The City of Stow 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 City of Stow 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 5. Open Meetings. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions, were in meetings open to the public in compliance with the law.

SECTION 6. Emergency Clause. This Ordinance was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety in order to expedite the highway project and to promote highway safety, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 2/11/16

ATTEST   
Bonnie J. Emahiser  
CLERK OF COUNCIL

  
Mike Rasor  
PRESIDENT OF COUNCIL

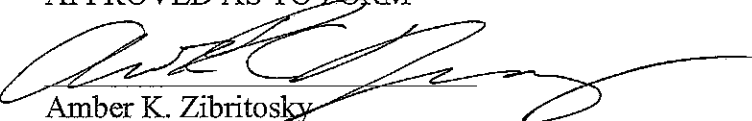
FILED WITH MAYOR 2/16/16

APPROVED   
Sara Drew  
MAYOR

FILED WITH CLERK 2/17/16

APPROVED AS TO FORM

EFFECTIVE DATE 2/17/16

  
Amber K. Zibritosky  
LAW DIRECTOR

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CERTIFICATE OF COPY  
STATE OF OHIO

I, Bonnie J. Emahiser, as Clerk of Council of the City of Stow, Summit County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2016- 21 adopted by the Legislative Authority of the said City on the 11th day of February, 2016; that the posting of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of posting thereof are of record.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_\_ day of February, 2016.

\_\_\_\_\_  
Bonnie J. Emahiser  
CLERK OF COUNCIL  
City of Stow, Ohio

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

THE CITY OF STOW, OHIO

\_\_\_\_\_  
Witness

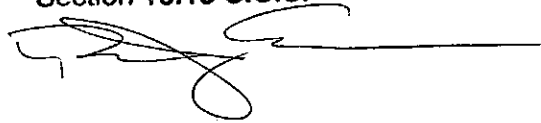
By: \_\_\_\_\_  
Sara Drew, MAYOR  
Dated: \_\_\_\_\_

THE STATE OF OHIO

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Director, Ohio Department of  
Transportation  
Dated: \_\_\_\_\_

I, Bonnie J. Emahiser, Clerk of  
Council, do hereby certify that  
copies of the forgoing were  
posted in accordance with  
Section 10.13 C.O.S.

A handwritten signature in black ink, appearing to be "Bonnie J. Emahiser", written over a horizontal line.