

FIRST READING: 11.13.18
SECOND READING: 11.26.18
THIRD READING: 12.10.18

RESOLUTION NO. 70-18

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER
DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY
DEPARTMENT OF PUBLIC WORKS FOR THE RESURFACING OF A PORTION OF
HILLIARD BOULEVARD WITHIN THE CITY OF ROCKY RIVER

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement
of a portion of public highway which is described as follows:

The resurfacing of Hilliard Boulevard, River Oaks Drive to Lakeview Avenue in the
City of Rocky River.

WHEREAS, funding to be determined, allocated 40% by the municipality and 60% by the
county up to a maximum of \$100,000, of the cost for engineering the improvement and the
Municipality will be responsible for 20%, and the County will be responsible for 80%, up to a
maximum of \$1,452,000, of the cost of construction, including the supervision and
administration of the construction, for the improvement.

WHEREAS, the Mayor requests authorization to enter into an agreement with the Cuyahoga
County Department of Public Works to participate in the cost of construction related to
roadways within the City of Rocky River and further described in "Exhibit A".

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:**

SECTION 1. That the Council of the City of Rocky River hereby authorizes the Mayor and her
designee enter into an agreement with Cuyahoga County Department of Public Works to
perform resurfacing a portion of Hilliard Boulevard within the City of Rocky River.

SECTION 2. It is found and determined that all formal actions of this Council concerning and
relating to the adoption of this Resolution were adopted in an open meeting of this Council, and
any of its committees that resulted in such formal action were in meetings open to the public in
compliance with all legal requirements.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for
the immediate preservation of public peace, health and safety, and is necessary to participate in
the program provided it receives the affirmative vote of two-thirds (2/3) of all members elected
to Council, it shall take effect and be in force immediately 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.

PASSED: December 10th, 2018

PRESENTED

MAYOR: December 10th, 2018

ATTEST:

SAN G. PEASE

Clark of Council

James W. Moran
JAMES W. MORAN
President of Council

APPROVED: December 10th, 2018

Pamela E. Bobst
PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River,
State of Ohio, do hereby certify that publication of the
foregoing ordinance was duly made by posting a true copy
thereof in the lobby of the Rocky River City Hall, in
accordance with the charter of Rocky River, commencing on
the 10th day of December, 20 18.

San G. Pease
Clerk of Council of the City of Rocky River, Ohio

AGREEMENT

Between the County of Cuyahoga, Ohio, and the City of Rocky River for the
Resurfacing of Hilliard Boulevard River Oak Drive to Lakeview Avenue

This agreement made and entered into this ____ day of ____, 20____,
by and between the County of Cuyahoga, Ohio (the "COUNTY") and the City of Rocky
River (the "MUNICIPALITY") by its Mayor, having been duly authorized to enter into
said agreement by Ordinance No. ____, adopted by Council of the
City of Rocky River on the ____ day of ____, 20____.

WITNESSETH:

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the
improvement of a portion of public highway which is described as follows:

The resurfacing of Hilliard Boulevard, River Oak Drive to Lakeview Avenue in the
City of Rocky River.

NOW THEREFORE, in consideration of the covenants and agreements herein
contained to be performed by the parties hereto, it is mutually agreed between the
parties hereto as follows:

A. CONSENT

That it is declared to be in the public interest that the consent of said MUNICIPALITY
be and such consent is hereby given to the COUNTY to participate in the cost of
construction of the above described improvement.

B. COOPERATION

1. That the COUNTY will cooperate with the MUNICIPALITY in the resurfacing
of Hilliard Boulevard, River Oak Drive to Lakeview Avenue in the City of
Rocky River.
2. That the MUNICIPALITY will arrange for the preparation of construction plans
and specifications, including necessary engineering reports for the
improvement, under current Cuyahoga County standards for construction of
County roads and bridges.
3. That the MUNICIPALITY will arrange for the supervision and administration
of the construction project.

4. That the COUNTY will review the construction plans for conformance with section B-2 of this Agreement. County approval of plans and specifications is required prior to the award of the construction contract. The COUNTY will make an inspection of the completed project.
5. That the MUNICIPALITY shall agree to provide the COUNTY with a complete set of as-built plans upon the completion of the project.

C. FUNDING

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.
2. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this Agreement.
3. That the MUNICIPALITY will be responsible for 40%, and the COUNTY will be responsible for 60%, up to a maximum of \$100,000, of the cost of the preparation of construction plans and specifications, including necessary engineering reports for the improvement.
4. That the MUNICIPALITY will be responsible for 20%, and the COUNTY will be responsible for 80%, up to maximum of \$1,452,000, of the cost of construction, including the supervision and administration of the construction, for the improvement.

D. MAINTENANCE

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-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
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.

4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. TRAFFIC

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. 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; and
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
5. The MUNICIPALITY shall regulate parking in the following manner:
Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That in the event any additional right-of-way is required, the MUNICIPALITY will arrange for the acquisition.

G. UTILITIES

1. The MUNICIPALITY will make arrangements with and obtain agreements from all privately owned 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 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 said MUNICIPALITY.
2. That the COUNTY will pay the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. The MUNICIPALITY shall cooperate with the COUNTY to, make all arrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.
4. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS

1. The MUNICIPALITY agrees that all construction contracts for this project shall comply with the COUNTY's SBE/MBE/WBE goals set forth in the Cuyahoga County Code and the Bidder's Manual. MUNICIPALITY shall be required during and after completion of the project to demonstrate good faith efforts to achieve the SBE/MBE/WBE goals. MUNICIPALITY shall work with the Cuyahoga County Office of Procurement and Diversity to establish SBE/MBE/WBE participation goals in connection with the project.
2. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the COUNTY and the

