

DATE: AUGUST 6, 2012

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 80- 2012

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Resolution authorizing the contract with the Ohio Department of Transportation for the SR 172 Paving Project, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to sign the Final Legislation with the Ohio Department of Transportation for the SR 172 Paving Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Resolution authorizing the contract Ohio Department of Transportation for the SR 172 Paving Project. Project limits are from Hess Boulevard to the Eastern Corporation Line. The project is to be bid out by ODOT in the fall of 2012 with construction commencing in the spring of 2013. The City share of the project is One Hundred Ninety-Nine Thousand Two Hundred Fifty-Six Dollars (\$199,256.00) and will be provided by grants secured by the City through the Ohio Public Works Commission and the Stark County Municipal Road Fund and therefore there will be no City dollars expended for this project it is 100% funded.

(SEE EXHIBIT "A" HERETO ATTACHED)

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to sign the Resolution authorizing the contract with Ohio Department of Transportation so as to proceed with the SR 172 Paving Project. Provided it receives the affirmative vote of two-thirds of the elected members 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 IN COUNCIL THIS 10<sup>th</sup> DAY OF August 2012

APPROVED: Mary Beth Bailey Glenn E. Gamber  
MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

APPROVED August 7, 2012 Kathy Catazaro-Perry  
KATHY CATAZARO-PERRY, MAYOR

I hereby certify that the foregoing ordinance  
is a true copy of the original, as passed by  
the Council of the City of Massillon, Ohio,  
and approved as noted thereon.

Mary Beth Bailey  
Clerk of Council

Date 8/10/12

## FINAL RESOLUTION

The following Final Resolution enacted by the City of **Massillon**, hereinafter referred to as the Legislative Authority or Local Public Agency (LPA), in the matter of the stated described project.

**WHEREAS**, on 1<sup>st</sup> day of November, 2010, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**The project consists of the improvement of 1.09 miles of State Route 172 by planing, resurfacing, upgrading of curb ramps, curb inlets and catch basins/manholes, lying with the City of Massillon; and**

**WHEREAS**, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid and OPWC funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration U.S. Department of Transportation.**

In view of the fact that the LPA's share of the project is now estimated in the amount of **One Hundred Ninety Nine Thousand Two Hundred Fifty Six and - - - - 00/100 Dollars (\$199,256.00) less OPWC Grant (CS13P) in the amount of One Hundred Ninety Nine Thousand Two Hundred Fifty Six and - - - - 00/100 Dollars (\$199,256.00) leaving the balance due in the amount of Zero and - - - - 00/100 Dollars (\$0.00)** therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.

**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 has transmitted copies of same to this legislative authority; and

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

**NOW, THEREFORE**, be It resolved:

- I. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

- II. That the LPA enter into a contract with the State, and that **Director of Public Service and Safety** be, and is hereby authorized to execute said contract for improving the described project.
- III. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

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 LPA, and which Resolution was duly passed by the LPA on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume \_\_\_\_\_, at Page \_\_\_\_\_, and under date of \_\_\_\_\_, 2012.

Legislative Authority of the  
City of **Massillon**

\_\_\_\_\_  
**Director of Public Service and Safety**

SEAL  
(If Applicable)

\_\_\_\_\_  
Clerk (Secretary Ex-Officio)