

## **RESOLUTION R-2016-24**

### **A RESOLUTION AUTHORIZING THE ACCEPTANCE OF STATE FUNDS AND A CONSULTANT AGREEMENT WITH THOMAS FOK & ASSOCIATES AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Department of Transportation has undertaken storm water improvements along various sections of the Ohio Turnpike, which project is known as the Ohio Department of Transportation Turnpike Drainage Improvement Project (hereinafter referred to as the "Project"); and

**WHEREAS**, a portion of the Ohio Turnpike travels through the Village of Windham and drainage within the Turnpike are of the Village will be improved by Village participation in the Project. The portion of the Project which is proposed for the Village is identified as POR-North Main St., PID 101908 (hereinafter referred to as North Main Project; and

**WHEREAS**, correspondence dated May 23, 2016 addressed to the Mayor was received on May 24, 2016, the day of the most recent regularly scheduled council meeting of the Village of Windham; and

**WHEREAS**, the correspondence from the Ohio Department of Transportation required execution by the Village to accept the allocation of State Funds: and

**WHEREAS**, the correspondence from the Ohio Department of Transportation included Agreement Number 19675 between the Village of Windham and the engineering design firm of Thomas Fok & Associates, Inc., an engineering firm selected by the Ohio Department of Transportation to accomplish the design work on the North Main Project; and

**WHEREAS**, the Acceptance of State Funds award from the Ohio Department of Transportation and the Agreement with Thomas Fok & Associates needed to be executed the day it was received as work on the project had already commenced; and

**WHEREAS**, the cover letter from Jerry Wray, Director of the Ohio Department of Transportation indicates that the Village is required under the Award to advance the funds to be paid to Thomas Fok & Associates, but Mr. Wray's representative indicated that it is permissible for the Village to simply forward invoices from Thomas Fok & Associates to the Ohio Department of Transportation for direct payment; and

**WHEREAS**, because the letter from the Ohio Department of Transportation was received too late for a resolution to be drafted authorizing the requested documents, this Council, by motion, at its meeting on May 24, 2016 authorized the Mayor and the Fiscal Officer to execute the provided acceptance of the State Funds from the Ohio Department of Transportation and further to execute the provided State of Ohio, Village of Windham Agreement Number 19675 so that the North Main Project could continue; and

**WHEREAS**, the Council of the Village of Windham now wishes to approve the North Main Project and authorize the Mayor and the Fiscal Officer to enter into the project agreement.

**WHEREAS**, the Council, by this Resolution desires to ratify the direction provided to the Mayor and the Fiscal Officer by motion at the May 24, 2016 meeting.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Village of Windham, County of Portage and State of Ohio, two thirds of the members thereto concurring that:

**Section 1:** The actions taken by the Mayor, Fiscal Officer and the village administration, including but not limited to the execution of the State Fund acceptance letter (Exhibit A) and the Agreement with Thomas Fok & Associates, Inc. (Exhibit B), prior to the passage of this Resolution to advance the North Main Project are hereby approved and ratified.

**Section 2:** The acceptance of State Funds, as set forth in Exhibit "A", marked for identification as Exhibit "A" and attached hereto is hereby approved.

**Section 3:** The execution of the State of Ohio, Village of Windham, Agreement Number 19675, as set forth in Exhibit "B", consisting of a total of 4 pages, marked for identification as Exhibit "B" and attached hereto is hereby approved.

**Section 4:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

**Section 5:** This Resolution is hereby declared to be an emergency measure, becoming effective immediately on passage by Council and approval by the Mayor to preserve the health, safety and general welfare of the citizens of the Village of Windham, and further to allow the Village to benefit from improved storm water drainage in the area of the Ohio Turnpike.

Passed by Village Council as an emergency on June 28, 2016.

Vote of Council:      Ayes: 6  
                                 Nays: 0

Attest:

Approved:

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Village Fiscal Officer, Cheree Taylor

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Mayor, Deborah Blewitt

Approved as to Legal Form:

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Solicitor, Thomas Reitz