

ORDINANCE NO. 10-70 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FILE A JOINT APPLICATION WITH THE LORAIN COUNTY COMMISSIONERS TO THE DISTRICT 9 PUBLIC WORKS INTEGRATING COMMITTEE FOR OHIO PUBLIC WORKS COMMISSION ISSUE II FUNDING FOR THE OBERLIN ROAD BRIDGE #0044 REPLACEMENT PROJECT AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized and directed to file a joint application with the Lorain County Commissioners to the District 9 Public Works Integrating Committee for Ohio Public Works Commission (OPWC) Issue II Round 25 funding for the following project:

Oberlin Road Bridge #0044 Replacement Project

SECTION 2. That the City of Oberlin hereby agrees that the Lorain County Commissioners shall be designated "Lead Agency" for the purposes of this OPWC Issue II Round 25 project.

SECTION 3. That the City Manager is hereby authorized and directed to enter into a Co-operation Agreement with the Lorain County Commissioners for the purpose of administering this Issue II Round 25 project only.

SECTION 4. That the City of Oberlin hereby agrees that if said Issue II Round 25 project is funded, the City of Oberlin will provide local matching funds as designated in the grant application.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

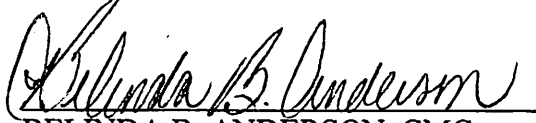
SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"in order to allow for the filing of an Issue II grant application in a timely manner", and shall take effect immediately upon passage.

PASSED: 1st Reading — October 4, 2010 (S,E)

2nd Reading –
3rd Reading –

ATTEST:


BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

POSTED: 10/05/2010


KENNETH SLOANE
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 10/04/2010

**THIS
PROJECT
WAS NOT
FUNDED**

ORIGINAL

COOPERATION AGREEMENT BY AND BETWEEN LORAIN COUNTY AND THE CITY OF OBERLIN

This Agreement, by and between Lorain County, State of Ohio (hereinafter referred to as "County") and the City of Oberlin, County of Lorain, State of Ohio (hereinafter referred to as "City"), is hereby entered into on this 27th day of October, 2010.

WITNESSETH:

Whereas, the County and the City intend to file a joint application to the Ohio Public Works Commission (hereinafter referred to as "OPWC") for Issue II Round 25 funding for the project known as "Oberlin Road Bridge #0044 Replacement"; and

Whereas, the OPWC requires that the parties submitting a joint application for funding enter into a "Cooperation Agreement".

Now, therefore, in consideration of the foregoing the parties hereto do mutually agree as follows:

1. Lead Agency

The City does hereby authorize the County to be the lead applicant and, as such, to sign all necessary documents.

2. Project Financing

a. The County will provide funds totaling 13.00% of the cost of the project. Said funds will come from the _____ funds. Furthermore, the County agrees to pay its share of the cost as invoices are due/at the end of the project/as otherwise agreed upon.

b. The City will provide funds totaling 13.00% of the cost of the project. The City will provide 100% of the funding necessary to relocate its water main as required for the construction of the project. Said funds will come from the Capital Improvement and/or the Water Reserve Replacement fund. Furthermore, the City agrees to pay its share of the cost as invoices are due/at the end of the project/as otherwise agreed upon.

3. Project Authorization

a. This project is authorized by Lorain County Resolution Number 10-751

b. This project is authorized by City of Oberlin Ordinance Number 10-70 AC CMS

4. Term of Agreement

This Agreement shall commence at the latest date set forth below. This Agreement shall be commensurate with the term of the OPWC grant award.

5. Successors and Assigns

This Agreement shall be binding upon and inure to the benefit of the County and the City. This Agreement and its rights and responsibilities shall not be assigned or transferred without the prior written consent of the County and of the City.

6. Severability

If any section of this Agreement is found to be illegal, unconstitutional, improper or unenforceable, said section shall not affect the enforceability of the remainder of this Agreement.

7. Jurisdiction

This Agreement shall be construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, **Lorain County and the City of Oberlin, by their duly authorized agents**, have executed this Agreement on the dates set forth next to their signatures.

Lorain County:

BY:  DATE: 10-27-10
Betty C. Blair, Commissioner

BY:  DATE: 10-27-10
Ted Kalo, Commissioner

BY:  DATE: 10-27-10
Lori Kokoski, Commissioner

City of Oberlin:

BY:  DATE: 10/5/10
Eric P. Norenberg
City Manager

Approved as to form:


Eric R. Severs, Law Director

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APPLICATION FOR FINANCIAL ASSISTANCE
Revised 4/99

IMPORTANT: Please consult the "Instructions for Completing the Project Application" for assistance in completion of this form.

SUBDIVISION: Lorain County CODE # 093-00093

DISTRICT NUMBER: 9 COUNTY: Lorain DATE 9/2/10

CONTACT: William C. Holtzman PHONE # (440) 329-5590 (THE PROJECT CONTACT PERSON SHOULD BE THE INDIVIDUAL WHO WILL BE AVAILABLE DURING BUSINESS HOURS AND WHO CAN BEST ANSWER OR COORDINATE THE RESPONSE TO QUESTIONS)

FAX: (440) 329-5587 E-MAIL bholtzman@loraincounty.us

PROJECT NAME: Oberlin Road Bridge #0044 Replacement

SUBDIVISION TYPE (Check Only 1)

- X 1. County
2. City
3. Township
4. Village
5. Water/Sanitary District (Section 6119 or 6117 O.R.C.)

FUNDING TYPE REQUESTED (Check All Requested & Enter Amount)

- X 1. Grant \$276,020
2. Loan \$
3. Loan Assistance \$

PROJECT TYPE (Check Largest Component)

- 1. Road
X 2. Bridge/Culvert
3. Water Supply
4. Wastewater
5. Solid Waste
6. Stormwater

TOTAL PROJECT COST: \$ 373,000.00

FUNDING REQUESTED: \$ 276,020.00

DISTRICT RECOMMENDATION

To be completed by the District Committee ONLY

GRANT: \$

LOAN ASSISTANCE: \$

SCIP LOAN: \$ RATE: % TERM: yrs.

RPL LOAN: \$ RATE: % TERM: yrs.

(Check Only 1)

State Capital Improvement Program

Small Government Program

Local Transportation Improvements Program

FOR OPWC USE ONLY

PROJECT NUMBER: C / C

APPROVED FUNDING: \$

Local Participation %

Loan Interest Rate: %

OPWC Participation %

Loan Term: years

Project Release Date:

Maturity Date:

OPWC Approval:

Date Approved:

SCIP Loan RPL Loan

1.0 PROJECT FINANCIAL INFORMATION**1.1 PROJECT ESTIMATED COSTS:**

(Round to Nearest Dollar)

	TOTAL DOLLARS	Force Account Dollars
a.) Basic Engineering Services:	\$ <u>30,000 .00</u>	<u>30,000 .00</u>
Preliminary Design	\$ <u>0</u>	
Final Design	\$ <u>20,000</u>	
Bidding	\$ <u>0</u>	
Construction Phase	\$ <u>10,000</u>	
Additional Engineering Services	\$ <u>0 .00</u>	<u>0</u>
*Identify services and costs below.		
b.) Acquisition Expenses:		
Land and/or Right of Way	\$ <u>.00</u>	<u>0</u>
c.) Construction Costs:	\$ <u>327,435 .00</u>	<u>0</u>
d.) Equipment Purchased Directly:	\$ <u>0 .00</u>	
e.) Permits, Advertising, Legal:	\$ <u>0 .00</u>	
(Or Interest Costs for Loan Assistance Applications Only)		
f.) Construction Contingencies:	\$ <u>15,565 .00</u>	
g.) TOTAL ESTIMATED COSTS:	\$ <u>373,000 .00</u>	

*List Additional Engineering Services here:
Service:

Cost:

1.2 PROJECT FINANCIAL RESOURCES:
(Round to Nearest Dollar and Percent)

	DOLLARS	%
a.) Local In-Kind Contributions	\$ <u>30,000.00</u>	<u>8</u>
b.) Local Revenues	\$ <u>66,980.00</u>	<u>18</u>
c.) Other Public Revenues		
ODOT	\$ <u> .00</u>	
Rural Development	\$ <u> 0.00</u>	<u>0</u>
OEPA	\$ <u> 0.00</u>	<u>0</u>
OWDA	\$ <u> 0.00</u>	<u>0</u>
CDBG	\$ <u> 0.00</u>	<u>0</u>
OTHER _____	\$ <u> 0.00</u>	<u>0</u>
SUBTOTAL LOCAL RESOURCES:	\$ <u>96,980.00</u>	<u>26</u>
d.) OPWC Funds		
1. Grant	\$ <u>276,020.00</u>	<u>74</u>
2. Loan	\$ <u> .00</u>	<u>0</u>
3. Loan Assistance	\$ <u> .00</u>	<u>0</u>
SUBTOTAL OPWC FUNDS:	\$ <u>276,020.00</u>	<u>74</u>
e.) TOTAL FINANCIAL RESOURCES:	\$ <u>373,000.00</u>	<u>100%</u>

1.3 AVAILABILITY OF LOCAL FUNDS:

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local share funds required for the project will be available on or before the earliest date listed in the Project Schedule section.

ODOT PID# _____ Sale Date: _____
 STATUS: (Check one)
 Traditional _____
 Local Planning Agency (LPA) _____
 State Infrastructure Bank _____

2.0 PROJECT INFORMATION

If the project is multi-jurisdictional, information must be consolidated in this section.

2.1 PROJECT NAME: Oberlin Road Bridge #0044 Replacement

2.2 BRIEF PROJECT DESCRIPTION - (Sections A through C):

A: SPECIFIC LOCATION:

0.14 Miles south of E. College Street

PROJECT ZIP CODE: 44074

B: PROJECT COMPONENTS:

The existing steel beam /concrete slab bridge is narrow and deteriorating. The existing sandstone substructure will be replaced with reinforced concrete. The deck will be prestressed concrete bridge members. The project will also include watermain relocation, erosion control, guardrail, drainage, pavement and embankment.

C: PHYSICAL DIMENSIONS:

Existing bridge 23.0 feet clear span, 18 feet width.

Proposed bridge approximately 40 feet clear span, 32 feet width. 2 lane roadway, sidewalk on west side.

D: DESIGN SERVICE CAPACITY:

Detail current service capacity versus proposed service level.

The road is currently and for the proposed future designed for 2-lane service.

Road or Bridge: Current ADT 500 Est. Year: 2012 Projected ADT: 650 Year: 2020.

Water/Wastewater: Based on monthly usage of 7,756 gallons per household, attach current rate ordinance. Current Residential Rate: \$ _____ Proposed Rate: \$ _____

* See attached sewage rates.

Stormwater: Number of households served:

2.3 USEFUL LIFE/COST ESTIMATE: Project Useful Life: 50 Years.
Attach Registered Professional Engineer's statement, with original seal and signature confirming the project's useful life indicated above and estimated cost.

3.0 REPAIR/REPLACEMENT or NEW/EXPANSION:

TOTAL PORTION OF PROJECT REPAIR/REPLACEMENT \$ 373,000.00

TOTAL PORTION OF PROJECT NEW/EXPANSION \$ 0

4.0 PROJECT SCHEDULE:*

	BEGIN DATE	END DATE
4.1 Engineering/Design:	<u>8/15/10</u>	<u>3/15/11</u>
4.2 Bid Advertisement and Award:	<u>5/15/11</u>	<u>6/15/11</u>
4.3 Construction:	<u>7/15/11</u>	<u>11/15/11</u>
4.4 Right-of-Way/Land Acquisition:	<u>N/A</u>	<u> / /</u>

* Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by the CEO of record and approved by the commission once the Project Agreement has been executed. The project schedule should be planned around receiving a Project Agreement on or about July 1st.

5.0 PROJECT OFFICIALS:

5.1 CHIEF EXECUTIVE OFFICER Ken Carney
 TITLE Lorain County Engineer
 STREET 247 Hadaway Street

CITY/ZIP Elyria, Ohio 44035
 PHONE (440) 329 - 5590
 FAX (440) 329 - 5587
 E-MAIL

5.2 CHIEF FINANCIAL OFFICER Mark Stewart
 TITLE Lorain County Auditor
 STREET

CITY/ZIP 226 Middle Avenue Road
 Elyria, Ohio 44035
 PHONE (440) 329 - 5207
 FAX (440) 329 - 5223
 E-MAIL

5.3 PROJECT MANAGER William C. Holtzman
 TITLE Chief Deputy Engineer
 STREET 247 Hadaway Street

CITY/ZIP Elyria, Ohio 44035
 PHONE (440) 329 - 5590
 FAX (440) 329 - 5587
 E-MAIL bholtzman@loraincounty.us

Changes in Project Officials must be submitted in writing from the CEO.

6.0 ATTACHMENTS/COMPLETENESS REVIEW:

Confirm in the blocks [] below that each item listed is attached.

- [X] A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
- [X] A certification signed by the applicant's chief financial officer stating all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
- [X] A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's original seal or stamp and signature.
- [N/A] A cooperation agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.
- [N/A] Projects which include new and expansion components and potentially affect productive farmland should include a statement evaluating the potential impact. If there is a potential impact, the Governor's Executive Order 98-VII and the OPWC Farmland Preservation Review Advisory apply.
- [X] Capital Improvements Report: (Required by O.R.C. Chapter 164.06 on standard form)
- [] Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your *local* District Public Works Integrating Committee.

7.0 APPLICANT CERTIFICATION:

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.

Certifying Representative (Type or Print Name and Title)

Original Signature/Date Signed



**AUDITOR'S CERTIFICATE
(Chief Fiscal Officer)**

Relative to the City of Oberlin

Oberlin Road Bridge #0044 Replacement Project

I hereby certify that the local share estimated amount of \$52,570.05 required to meet the City of Oberlin's portion of the Contract, Agreement, obligation, payment, or expenditure for the above project will be available on or before July 1, 2011 in the City's Income Tax Capital Improvement Fund and/or the City's Water Reserve Fund.

Dated: October 7, 2010

A handwritten signature in black ink, appearing to read "I. Salvatore Talarico", is written over a horizontal line.

I. Salvatore Talarico

Finance Director, City of Oberlin