

**RESOLUTION NO. 18-2018**

**INTRODUCED BY: MAYOR GRAVEN AND COUNCIL AS A WHOLE**

**A RESOLUTION REQUESTING AND CONSENTING TO AN EMERGENCY ROAD MAINTENANCE PROJECT BY THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR 2018 AND DECLARING AN EMERGENCY.**

**WHEREAS**, Cuyahoga County has delegated the authority to the Department of Public Works to assist municipalities with emergency maintenance projects on county roads within municipalities; and

**WHEREAS**, the roads constituting this project are both municipal streets and county roads; and

**WHEREAS**, the maintenance project will include furnishing one (1) grass mower with operator to mow roadside grass and weeds on various designated county roads in the City of Olmsted Falls, Ohio and the Bradford Gate retention basin maintenance. Now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OL MSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:**

**SECTION 1.** It is declared to be of public interest that the consent of the City of Olmsted Falls be and such consent is hereby given to the Cuyahoga County Department of Public Works to perform the above described emergency road maintenance project.

**SECTION 2.** The City of Olmsted Falls agrees to participate with the County in the cost of the project for the year 2018 by contributing one hundred percent of the cost of the maintenance project performed under this Resolution. It is understood that the cost of this project shall not exceed the force account limitations contained in Section 5543.19 of the Ohio Revised Code.

**SECTION 3.** This Resolution in no way relieves the municipality of any of its responsibilities, legal or otherwise, for the subject roads as set forth in Section 723.01 of the Ohio Revised Code. The County is only assisting the municipality in the areas covered by this Resolution.

**SECTION 4.** The City of Olmsted Falls agrees that the County shall be and is hereby saved harmless from any and all damages or claims arising from or growing out of the negligent performance or failure to perform the subject maintenance project.

**SECTION 5.** The Clerk of Council is hereby authorized and directed to furnish to the office of the Cuyahoga County Department of Public Works a certified copy of this Resolution immediately upon the adoption thereof.

**SECTION 6.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 7.** This Resolution is hereby declared to be an emergency measure for the reason that the action taken is necessary to provide effective roadside maintenance for the municipality in the year 2018. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

\_\_\_\_\_  
*Jim Haviland, Council President*

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
*James Graven, Mayor*

\_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Andrew D. Bemmer, Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

|          | Yea   | Nay   |
|----------|-------|-------|
| Haviland | _____ | _____ |
| Stibich  | _____ | _____ |
| Jones    | _____ | _____ |
| Gorski   | _____ | _____ |
| Nicolay  | _____ | _____ |
| Duncan   | _____ | _____ |
| Miller   | _____ | _____ |