

CITY OF BROOK PARK, OHIO

ORDINANCE NO. 11297-2022

INTRODUCED BY: MAYOR ORCUTT

Legislative
P/C 11-15-22
CA _____
1st R _____
2nd R _____
3rd R _____
P/C _____

**AN ORDINANCE
AUTHORIZING THE CONSULTING CITY ENGINEER TO PROVIDE
ENGINEERING AND SURVEYING SERVICES FOR THE
ADDITIONAL RIGHT-OF-WAY DETERMINATION PRIOR TO THE
SHELDON ROAD RESURFACING PROJECT (COUNTY ID #1285/PID 113312),
AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the City of Brook Park adopted Ordinance 11168-2020 on September 15, 2020, authorizing the Mayor to enter into an agreement with the County of Cuyahoga for the resurfacing of Sheldon Road (County ID #1285/PID 113312);

WHEREAS, the project consists of resurfacing Sheldon Road from Engle Road to Smith Road for a length of approximately 1 mile;

WHEREAS, a stipulation of receiving Federal and Cuyahoga County funds is that no additional right-of-way will be required to build the project;

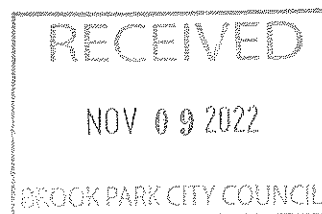
WHEREAS, it is anticipated that some ADA curb ramps at intersections within the project limits will require additional right-of-way to conform to current ADA standards;

WHEREAS, engineering and surveying services are required to determine the amount the additional right-of-way to be acquired by the City prior to the County submitting Plans to the Ohio Department of Transportation (ODOT).

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Mayor on behalf of the City of Brook Park is hereby authorized to contract with the Consulting City Engineer (Euthenics, Inc.) for engineering and surveying services necessary and appropriate for determining the amount of additional right-of-way to be acquired by the City prior to the Sheldon Road Resurfacing Project (County ID #1285/PID 113312) and in accordance with Exhibit "A" (attached).

SECTION 2: The Consulting City Engineer is hereby authorized to provide said services and be paid a fee up to \$7,630.00 in accordance with Exhibit "A".



SECTION 3: The money needed to complete the aforesaid transaction shall be paid from Fund No. 548, theretofore appropriated or to be appropriated for said purpose.

SECTION 4: It is found and determined that all formal actions of this Council concerning and 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 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with the additional right-of-way determination as soon as possible, therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: November 15, 2022

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR
11-15-22
DATE

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11297-2022 passed on the 15 day of November 20 22 by said council.

[Signature]
Clerk of Council

I, Carol Johnson, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing November 16, 2022
[Signature]
CAROL JOHNSON
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coyne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Polindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

Local Cost Splits (from above):

	<u>Brook Park</u>	<u>Middleburg Heights</u>	<u>Total</u>
1.0	\$1,980.00	\$1,980.00	\$3,960.00
2.0	-	-	-
3.0	\$1,200.00	\$1,200.00	\$2,400.00
4.0	-	-	-
5.0	\$4,450.00*	\$4,450.00*	\$8,900.00**
6.0	-	-	-
	<hr/> \$7,630.00	<hr/> \$7,630.00	<hr/> \$15,260.00

* - estimate based on 5 Legal Descriptions/Exhibits

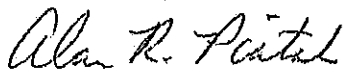
** - estimate based on 10 Legal Descriptions/Exhibits

Written authorization to proceed with any additional services will be obtained prior to commencing with any work that is not included in the Items as described herein. The fees shown in the Proposal will be held for work in progress through the end of December 2023.

If additional work or work of significantly increased complexity, clearly not contemplated in the original scope of services, is required, or if Euthenics, Inc. is required to abandon or perform or re-perform approved work, supplemental or modification agreements shall be negotiated providing for the cost and suitable profit for such work. If this Agreement is terminated during performance of the work, Euthenics, Inc. shall be paid for services rendered to the date of termination.

We appreciate the opportunity to provide this proposal and look forward to working with you on this project. Please call if you have any questions or need additional information.

Very Truly Yours,
EUTHENICS, INC.



Alan R. Piatak, P.E.
President

1. Field Survey – Recover existing centerline of right of way monuments along Sheldon Road and along each of the intersecting side streets to establish the centerline of road right of ways in CAD basemap;
2. Field Survey – Detailed survey of 25 ADA curb ramps and adjacent sidewalks (12 ADA curb ramps in Brook Park, 13 ADA curb ramps in Middleburg Heights) ***This Task included within the scope and fee of the Sheldon Road Resurfacing Project (PID 113312);***
3. Records Research – Research County Records for plats and deeds to determine existing right of way widths and locations and the existence of any easements granting rights for highway or sidewalk purposes.
4. Design of ADA Compliant Curb Ramps – ***This Task included within the scope and fee of the Sheldon Road Resurfacing Project (PID 113312);***
5. Proposed Easement Documents – Prepare legal descriptions and exhibits for quadrants of the intersections that require additional right of way (easements) to construct an ADA compliant curb ramp. The exact number of easements will not be known until the Field Survey, Records Research, and ADA compliant curb ramp design are completed. For the purpose of this proposal, we are assuming that 10 easements will be needed (10 Legal Descriptions and 10 Exhibits). We will only invoice each City for Proposed Easement Documents based on the actual number of easements needed within each City. Negotiations, appraisals, recording of legal descriptions and exhibits, etc., are by others.
6. Acquisition – The number of proposed easements and the locations that require additional right of way are not known at this time, therefore right of way acquisition is not in this scope of services. Acquisition of easements within the City of Brook Park will be the responsibility of the City of Brook Park. Acquisition of easements within the City of Middleburg Heights will be the responsibility of the City of Middleburg Heights. Acquisition Services shall include the recording of Easement Documents as described in number 5 above.

Euthenics Fee (see above Scope):

1.0 – Field Survey – Right of Way Monuments	\$3,960.00
2.0 – Field Survey – ADA Curb Ramps	\$Not in this contract
3.0 – Records Research	\$2,400.00
4.0 – Design of ADA Compliant Curb Ramps	\$Not in this contract
5.0 – Proposed Easement Documents (10)	\$8,900.00
6.0 – Acquisition	<u>\$Not in this contract</u>
TOTAL	\$15,260.00

September 20, 2022

Mr. Edward Orcutt, Mayor
City of Brook Park
6161 Engle Road
Brook Park, Ohio 44142



And

Mr. Matthew J. Castelli, Mayor
City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, Ohio 44130

Re: Sheldon Road Resurfacing-- Additional
Right-of-Way for ADA Curb Ramps

Dear Mayor Orcutt and Mayor Castelli,

Included below is Euthenics, Inc.'s project description and scope of work for the necessary surveying and engineering design services for the above referenced project.

PROJECT DESCRIPTION

The project consists of resurfacing Sheldon Road from Engle Road to Smith Road for a length of approximately 1 mile. The project will also replace a water line along Sheldon Road between Engle Road and I-71.

The resurfacing portion of the project will be funded with Federal, Cuyahoga County, City of Brook Park and City of Middleburg Heights funds. The water line work will be funded with 100% City of Brook Park funds. The project will be let by Cuyahoga County. A stipulation of receiving Federal and Cuyahoga County funds is that no additional right of way is needed to build the project.

ADA curb ramps at intersections within the project limits will need to conform to the most current ADA standards. The construction cost to replace non-compliant ADA curb ramps is eligible for project funding with the condition that they can be replaced within the limits of existing right of way. Based on a review of the Cuyahoga County Tax Maps (Cuyahoga County GIS), it appears that there are numerous ADA curb ramps that are or will be outside of the existing road right of way, therefore additional right of way (easements) may need to be acquired outside of the scope of the Sheldon Road Resurfacing Project (PID 113312) and prior to the letting of said Resurfacing Project.

SCOPE AND FEE

The following tasks will need to be performed to acquire the additional right of way needed for the proper installation of ADA compliant curb ramps. These tasks are not included within the scope and fee of a "typical" road resurfacing project and therefore are not included with the scope and fee for the Sheldon Road Resurfacing Project (PID 113312).

EXHIBIT "A"