

**RESOLUTION RECORD**  
**COUNCIL OF THE CITY OF BRECKSVILLE**

Resolution No. 5330

**A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO AN ESCROW AGREEMENT  
FOR HIGHWAY IMPROVEMENT WITH THE  
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)  
AND PNC BANK FOR THE PID 104983 CUY-77-0.42  
INTERCHANGE, PART 1 PROJECT; AND DECLARING  
AN EMERGENCY**

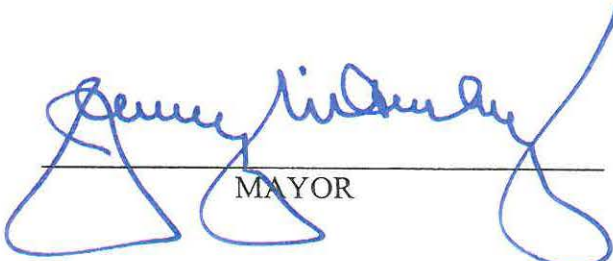
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be, and he hereby is, authorized to enter into an Escrow Agreement for Highway Improvement with the Ohio Department of Transportation (ODOT) and PNC Bank for the PID 104983 CUY-77-0.42 Interchange, Part 1 Project, a copy of which Escrow Agreement for Highway Improvement is attached hereto as Exhibit "A" and expressly made a part hereof by reference.

**SECTION 2.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the necessity to commence with the project, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: September 6, 2022

APPROVED: September 6, 2022

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5330 duly passed by the Council of the City of Brecksville, Ohio, on 9-6, 20 22, and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 9-9, 20 22.

  
\_\_\_\_\_  
CLERK OF COUNCIL

EXHIBIT "A"

ESCROW AGREEMENT FOR HIGHWAY IMPROVEMENT

This agreement made and entered at Brecksville, Ohio, this 6th day of September, 2022, by and between the Legislative Authority of the City of Brecksville, Ohio, The Ohio Department of Transportation (ODOT) and PNC Bank, N.A. (FINANCIAL INSTITUTION) 1900 E. 9th Street, 13th Floor, Cleveland, Ohio, 44114 (address), (city) (zip code), (telephone no.)

WITNESSETH

That for and in consideration of the covenants and agreements of the parties herein contained. The ODOT hereby expressly authorizes the City to deposit the pre-bid estimate (or some larger amount) of said City's participation share of project cost in the amount of Seven Million Seven Hundred Ninety-Five Thousand Nine Hundred Forty-Four and - - - - 10/100 Dollars, (\$7,795,944.10), as required by the ODOT's Invoice No. 11539, on project described as: Cuyahoga County - City of Brecksville - I.R. 77 - Federal Project No. E220056, in an interest bearing account, repurchase agreement or certificate of deposit with the FINANCIAL INSTITUTION. The City hereby agrees to deposit into the aforementioned account funds in the amount of \$7,795,944.10. The Financial Institution shall e-mail confirmation of this act (ex: deposit slip - not escrow agreement) to the Office of Contract Sales & Estimating at DOT-CEN.Funding@dot.ohio.gov, within twenty-four (24) hours of deposit. Such funds shall thereupon remain on deposit for the credit of the ODOT and said City, until such time as payment of the City's estimated participation share, as determined after receipt of bids, is ordered to be paid by the Administrator of the Office of Contract Sales & Estimating or the Director of ODOT. Upon receipt of such order for payment, IN THE FORM OF A REVISED INVOICE, the FINANCIAL INSTITUTION hereby agrees to deliver and pay over to the ODOT, by return mail within twenty-four (24) hours, the funds so requested (but in no event more than the amount of the pre-bid estimate), and to deliver and pay over to the City the accrued interest thereon and any balance that may remain. (The City's ultimate share of the cost shall be determined in accordance with the FINAL RESOLUTION and the CONTRACT).

It is understood and agreed that funds on deposit pursuant to this agreement may be invested by the FINANCIAL INSTITUTION as provided herein and in accordance with applicable law and regulations. It is also expressly understood that the Local Public Agency shall not withdraw any funds.

Legislative Authority of the City of Brecksville, Ohio

Tammy Tabor  
 Attest  
Jerry N. Hruby  
 Attest  
Laura Redinger

Tammy Tabor  
 Clerk of City Council  
Jerry N. Hruby  
 Mayor  
Laura Redinger  
 Presiding Officer of Legislative Authority

September 6, 2022  
 Date

The Ohio Department of Transportation

E-SIGNED by Nathan Fling  
 on 2022-08-22 12:18:09 GMT

Director of Transportation  
 Jack Marchbanks as signed by Max JN Fling

PNC Bank  
 Financial Institution

Erin McGarry  
 Financial Institution Officer (Signed)

Erin McGarry  
 Financial Institution Officer (Printed)

Vice President  
 Title

August 30, 2022  
 Date