

**ORDINANCE NO. 2019 – 11**

**AN ORDINANCE AUTHORIZING COOPERATION BY THE CITY WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AND CONSENTING TO THE RESURFACING OF PEARL ROAD FROM WEST 130<sup>TH</sup> STREET TO SNOW ROAD IN THE CITY OF PARMA HEIGHTS, IN CONNECTION WITH THE PEARL ROAD RESURFACING PROJECT [CUY-42-4.29; PID NO. 105726] WITH THE CITIES OF MIDDLEBURG HEIGHTS AND STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Ordinance No. 2017- 13, this Council authorized the Mayor to enter into a Cooperation Agreement with the Cities of Middleburg Heights and Strongsville for the resurfacing of Pearl Road between the Ohio Turnpike bridge in Strongsville to just south of Snow Road in Parma Heights (“Project”); and

WHEREAS, the State of Ohio now has identified the need for the Project, which is described as follows:

Resurface Pearl Road (US-42) from the Valley Parkway to just south of Snow Road, a distance of 6.72 miles more or less, in the Cities of Strongsville, Middleburg Heights and Parma Heights.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

**SECTION 1. (Consent Statement)** It is declared to be in the public interest that the consent of City of Parma Heights as the Local Public Agency (“LPA”) be and such consent is given to the Ohio Director of Transportation to complete the above-described Project.

**SECTION 2. (Cooperation Statement)** The City as LPA shall cooperate with the Director of Transportation in the above-described Project as follows:

- A. The City as LPA agrees to the City of Middleburg Heights as the contractual agency for the LPA. The entire cost and expense will be provided by the City of Middleburg Heights. No financial participation will be required by the LPA.
- B. The City as LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

**SECTION 3. (Utilities and Right-of-Way Statement)** The City as LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for its portion of the described Project. The City as LPA also understands that right-of-way costs include eligible utility costs. The City as LPA agrees to be responsible for its portion of all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION 4. (Maintenance)** Upon completion of the described Project, and unless otherwise agreed, the City as LPA shall:

- A. Provide adequate maintenance for its portion of the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116;
- B. Provide ample financial provisions, as necessary, for the maintenance of its portion of the described Project;
- C. Maintain the right-of-way, keeping it free of obstructions for its portion of the Project; and
- D. Hold said right-of-way inviolate for public highway purposes.

**SECTION 5. (Authority to Sign)** The Mayor is authorized on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above-described Project.

**SECTION 6. (Funding)** The City's net portion of the costs in connection with the Project, estimated to be \$725,000.00 shall be paid from the General Capital Improvement Fund, the Motor Vehicle Fund and such other Federal, State and local funds which may become available for the Project.

**SECTION 7. (Open Meeting)** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

**SECTION 8. (Effective Date)** This Ordinance is declared to be an emergency measure immediately necessary for the public peace, health, and safety of the Municipality and for the further reason that it is necessary, and in order to participate with the State and expedite the Project, to promote highway safety, to alleviate traffic congestion, to take advantage of available funds and to conserve public funds; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: March 25, 2019   
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bolden March 25, 2019  
CLERK OF COUNCIL APPROVED

FILED WITH THE MAYOR: March 25, 2019   
MAYOR

**CERTIFICATE OF COPY  
STATE OF OHIO**

State of Ohio )  
County of Cuyahoga ) ss.  
City of Parma Heights )

I, Florence Bohdan, as Clerk of Council of the City of Parma Heights, Ohio, do certify that the foregoing is a true and correct copy of an Ordinance adopted by the Legislative Authority of the said City on the 25 day of March, 2019, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. 2019-11.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 27 day of March, 2019.

Florence Bohdan  
Florence Bohdan, Clerk of Council  
City of Parma Heights, Ohio

(SEAL)

**ACCEPTANCE**

The foregoing is accepted as a basis for proceeding with the Project herein described.

**ATTEST:**



**CITY OF PARMA HEIGHTS:**

By:   
Michael P. Byrne, Mayor

Date: 3/27/19

**ATTEST:**

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**STATE OF OHIO:**

By: \_\_\_\_\_  
Director, Ohio Department of  
Transportation

Date: \_\_\_\_\_