

ORDINANCE NO. 2020 - 5

AN ORDINANCE AUTHORIZING THE MAYOR TO GIVE CONSENT TO THE STATE OF OHIO DIRECTOR OF TRANSPORTATION TO COMPLETE A GUARDRAIL UPGRADE PROJECT IN THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Parma Heights, referred to as the Local Public Agency (LPA) desires to upgrade guardrail end treatments on Snow Road; and,

WHEREAS, the State of Ohio has determined the need for the described project:

Upgrade guardrail end treatments on Snow Road (CR-S7) in the City of Parma Heights. This work is part of a larger ODOT project to upgrade guardrail end treatments on National Highway System routes within Cuyahoga and Lake Counties.

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. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section 2. Cooperation Statement. The LPA shall cooperate with the Director of Transportation in the above described project as follows:

- a. The entire cost and expense of the construction will be provided by the Department. No financial participation will be required by the LPA.
- b. The LPA 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 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 the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for 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 LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 5. Authority to Sign. The Mayor is authorized to enter into contracts with the Director of Transportation which are necessary to complete the above described project.

Section 6. Open Meetings. 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 7. Emergency Clause. This Ordinance is declared to be an emergency measure necessary for the public peace, health and safety of the Municipality and for the further reason it is necessary to expedite the guardrail project to promote highway safety; wherefore, this ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 3-9-2020


PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan

3-9-2020
APPROVED

FILED WITH
THE MAYOR: 3-9-2020


MAYOR