

ORDINANCE 2021-31

**PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)**

Ordinance #: 2021 - 31

PID No. : 111489

County/Route/Section : CUY Independence Blvd Bridge
Agreement No: 37031

AN ORDINANCE ENACTED BY THE CITY OF PARMA HEIGHTS OF CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA) AND THE STATE OF OHIO [OHIO DEPARTMENT OF TRANSPORTATION] TO REPLACE THE INDEPENDENCE BOULEVARD BRIDGE AND DECLARING AN EMERGENCY

WHEREAS, the LPA/STATE has determined the need to **replace the Independence Boulevard bridge over Brandywine Creek in the City of Parma Heights.**

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

SECTION I – Consent Statement.

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION II – Cooperation Statement.

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the cost of the project. The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. The LPA agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation.

The LPA further agrees to pay 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.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION III - Authority to Sign.

The LPA authorizes the Mayor of the City of Parma Heights to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Parma Heights to ODOT arising from any (LPA) agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION IV – Utilities and Right-of-Way Statement.

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance.

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the 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 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 VI – Council Finding.

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 VII – Emergency.

This Ordinance is declared to be an emergency measure for the public peace, health and safety of the Municipality and for the further reason it is necessary to expedite the highway project and 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: DEC 22, 2021



PRESIDENT OF COUNCIL
MARIE GALLO

ATTEST: 

CLERK OF COUNCIL
CHRISSY REASON

DEC 22, 2021

APPROVED

FILED WITH
THE MAYOR: DEC 22, 2021



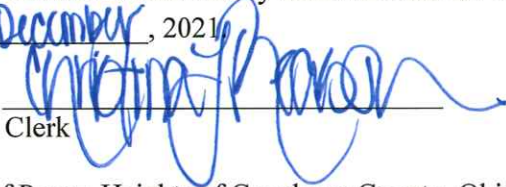
MAYOR
MICHAEL BYRNE
Mayor

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Parma Heights of Cuyahoga County, Ohio

I, Christina L Reason, as Clerk of the City of Parma Heights (LPA) of Cuyahoga County, Ohio, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the legislative Authority of the said City of Parma Heights on the 22 day of December, 2021.

IN WITNESS WHEREOF, I have hereunto subscribe my name and affixed my official seal, if applicable, this 22 day of December, 2021.



Clerk

City of Parma Heights of Cuyahoga County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No seal is required to accompany the executed legislation).

