

ORDINANCE NO. 19-72
INTRODUCED BY: Mrs. Stainbrook
PID No: 108732
Cnty-Rte-Sec: CUY-Ashton Lane
Agreement No: 33822

ORDINANCE

AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO REPLACE THE ASHTON LANE BRIDGE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village, Ohio, hereinafter referred to as the Local Public Agency (LPA), has determined the need for the described project:

Replace the Ashton Lane bridge over Porter Creek in the City of Bay Village.

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, 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 as detailed in the LPA Federal ODOT-Let Agreement entered into between the parties, if applicable.

SECTION 2. 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 an 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 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 agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the LPA, which is determined by the Director not to be part of or made necessary by the improvement.

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 3. Authority to Sign

The LPA hereby authorizes the Mayor of said City 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 to ODOT arising from any 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 4. 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 5. 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 6. Open Meeting

That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 7. Emergency Measure

That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and to expedite the highway project and promote highway safety, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: July 8, 2019

Dwight A. Clark
PRESIDENT OF COUNCIL

Joan J. Kemper
CLERK

Paul Korman
MAYOR

070119 jt

CERTIFICATE OF COPY
STATE OF OHIO

The City of Bay Village, Cuyahoga County, Ohio

I, *Joan J. Kemper*, as Clerk of the City of Bay Village, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Bay Village on the *8th* day of *July*, 2019.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this *9th* day of *July*, 2019.

SEAL
(If Applicable)

Joan J. Kemper
Clerk
CITY OF BAY VILLAGE 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.)