

**RESOLUTION NO. 29-2020**

**INTRODUCED BY: Mayor James Graven and Council as a Whole**

**AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN UPGRADING GUARDRAIL END TREATMENTS ON BAGLEY ROAD, AND DECLARING AN EMERGENCY**

**WHEREAS**, this ordinance will be enacted by the City of Olmsted Falls, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), as ODOT has identified the need for an upgrade to the guardrail end terminals on W. Bagley Road (CR-27) in the City of Olmsted Falls. This work is being done as a larger ODOT project to upgrade guardrail end terminals on National Highway System routes within Cuyahoga and Lake counties; and

**WHEREAS**, it is deemed to be in the public interest, for the LPA to give consent to the Director of Transportation to complete the above described project, without any direct cost to the LPA. Now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, COUNTY OF CUYAHOGA, OHIO, THAT:**

**SECTION 1.** The Mayor or his designee is hereby authorized to enter into agreements with the Director of Transportation necessary to complete the above described project.

**SECTION 2.** The LPA shall cooperate with the Director of Transportation in the above described project as follows: (1) the entire cost and expense of this improvement will be provided by the Department. No financial participation will be required by the LPA and (2) the 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.** The LPA shall cooperate with the Director of Transportation in the above described project as follows: (1) the entire cost and expense of this improvement will be provided by the Department. No financial participation will be required by the LPA and (2) the 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 4.** 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 5.** 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 6.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 7.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls for the reason to expedite the highway project(s) and to promote highway safety. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

\_\_\_\_\_  
*Paul Stibich, Council President*

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
*James Graven, Mayor*

\_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Andrew D. Bemer, Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

	Yea	Nay
Stibich	_____	_____
Jones	_____	_____
Jansen	_____	_____
McFadden	_____	_____
Munteanu	_____	_____
Buchholz	_____	_____
Chitester	_____	_____