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HALLUM

Vice President of
Council
MICHAEL KLINE.

City of Willoughby Hills

Council
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JOE JARMUSZKIEWICZ
DANIEL KNECHT
JANET MAJKA
TANYA TAYLOR DRAPER

ORDINANCE NO. 2020-22

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO AUTHORIZE THE DIRECTOR OF TRANSPORTATION AND THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION TO UPGRADE GUARDRAIL END TREATMENTS ON SOM CENTER ROAD IN THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Transportation of the Ohio Department of Transportation; has requested the Ohio Department of Transportation (“ODOT”) be authorized to upgrade guardrail end treatments on SOM Center Road in the City (the “Project”) (EXHIBIT 1) as part of a larger ODOT project to upgrade such guardrail end treatments on National Highway System routes within Cuyahoga and Lake Counties in the State of Ohio (EXHIBIT 2); and

WHEREAS, the full cost and expense of the Project will be paid by ODOT, however, if the City requests additional features be constructed as part of the Project, the City will be responsible for the costs of any such additional features requested by the City which are determined by ODOT or the Federal Highway Administration to be unnecessary for the Project; and

WHEREAS, the City must provide to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way(s) required for the Project including any necessary changes to utility rights of way, the cost of which shall be the responsibility of the City (including all costs of utility accommodation, relocation and reimbursement); and

WHEREAS, upon completion of the Project, unless otherwise agreed, the City shall be required to: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal laws, 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.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The City of Willoughby Hills hereby consents to ODOT completing the Project. The Mayor is hereby authorized and directed to enter into agreements with the Director of Transportation of ODOT necessary to complete the above described project.

SECTION 2. The cost of the Project will be paid by ODOT, provided, however that in the event that the City requests additional features be constructed as part of the Project, the City shall be responsible for any and all costs related to such additional features which are determined by ODOT or the Federal Highway Administration to be unnecessary for the Project.

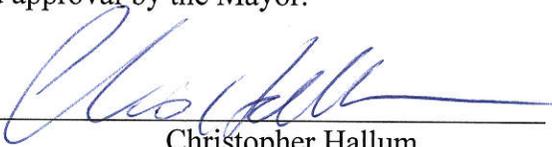
SECTION 3. The City shall provide to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way(s) required for the Project and the cost of any necessary changes to utility rights of way shall be the responsibility of the City (including all costs of utility accommodation, relocation and reimbursement).

SECTION 4. The City agrees that, upon completion of the Project, unless otherwise agreed with ODOT, the City 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 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. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 6. This ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the authority to allow ODOT to complete the Project in a timely manner; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: March 30, 2020

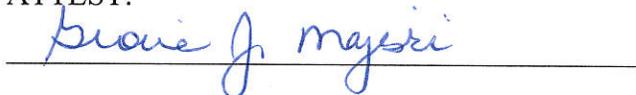


Christopher Hallum
President of Council

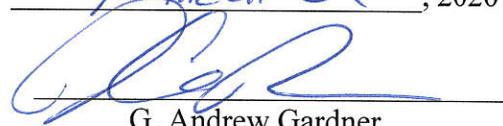
Submitted to the Mayor for his approval
on this 31st day of March, 2020

Approved by the Mayor

ATTEST:



Clerk of Council, Pro-Tempore

MARCH 31, 2020


G. Andrew Gardner
Mayor