

City of Willoughby Hills

ORDINANCE NO. 2016-38

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12 FOR THE BISHOP AND WHITE ROAD PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the State has identified the need for the described project:

Install temporary signals at the Bishop Road and White Road intersection as part of the detour route during the rehabilitation of the Richmond Road (SR-175) bridge over the east branch of Euclid Creek located south of Chardon Road (US-6) and north of White Road in the City of Richmond Heights; and

WHEREAS, the District has prepared its standard consent/participation legislation for this improvement; and

WHEREAS, the Council of the City of Willoughby Hills agrees to the terms and conditions as outlined in the Preliminary Legislation attached hereto and referenced herein; and thereby has determined it to be in the public interest to provide consent to the Director of Transportation to proceed with the proposed work.

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

SECTION 1. The Mayor is hereby authorized and directed to enter into the Preliminary Legislation, RC 5521.01 for Project Identification Code 92024, County Route Section CUY-175-12.35 with the Ohio Department of Transportation, District 12, located at 5500 Transportation Boulevard, Garfield Heights, Ohio 44125, substantially pursuant to the terms and conditions as identified in said Preliminary Legislation, attached hereto as the "Exhibit A" consisting of (3) pages and incorporated herein by reference, for the installation of temporary signals at the Bishop Road and White road intersection as part of the detour route during the rehabilitation of the Richmond Road (SR-175) bridge over the east branch of Euclid Creek located south of Chardon Road (SU-6) and north of White road in the City of Richmond Heights.

SECTION 2. Being in the public interest, the City of Willoughby Hills hereby gives consent and shall cooperate with the Director of Transportation to complete the 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 City of Willoughby Hills.
2. The City of Willoughby Hills 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.
3. The City of Willoughby Hills 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 (the City) also understands that right-of-way costs include eligible utility costs. The LPA (the City) 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.

5. The City of Willoughby Hills shall maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION 3. 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 of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. 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 usual daily operation of a municipal department and further reason to comply with the Ohio Department of Transportation's request that the Legislation be enacted as soon as possible to expedite the highway project and thereby promote highway safety; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: September 8, 2016

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 8 day of September, 2016

Approved by the Mayor
September 8, 2016

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor