

City of Willoughby Hills

ORDINANCE NO. 2013 – 5

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION TO PROCEED WITH THE UPGRADE OF BARRIER END TERMINALS ON STATE AND NATIONAL HIGHWAY ROUTES AT SELECTED LOCATION(S) WITHIN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation District Planning and Engineering Department has secured a grant to assist in upgrading barrier (e.g. guardrail, concrete barrier, etc) end terminals on state routes within Cuyahoga, Lake, and Geauga Counties; and

WHEREAS, in addition to upgrading ODOT maintained terminals, the grant allows for ODOT to assist in the replacement of these terminals on locally maintained state routes as well; and

WHEREAS, a project has been programmed to upgrade those end terminals identified as the highest properties within District 12 based on their potential risk to motorists; 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 93516, County Route Section D12-GR-FY2013(B) 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 “Exhibit A” consisting of two (2) pages and incorporated herein by reference, for upgrade of barrier end terminals on state and national highway routes at selected location(s) within the City of Willoughby Hills as part of a larger project to upgrade barrier end terminals on state and national highway routes within Cuyahoga, Lake, and Geauga counties.

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 Local Public Agency (the City) shall cooperate with the Director of Transportation in the above described project as follows: the entire cost and expense of this improvement will be provided by the Department. No financial participation will be required by the LPA.
2. The Local Public Agency (the City) 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 LPA (the City) 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.
4. 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

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: February 14, 2013



David A. Reichelt
President of Council

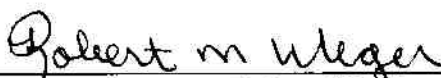
Submitted to the Mayor for his approval
on this 14 day of February, 2013

Approved by the Mayor
February 14, 2013

ATTEST:



Victoria Ann Savage, CMC
Clerk of Council



Robert M. Weger
Mayor