

City of Willoughby Hills

ORDINANCE NO. 2008 – 8

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION TO PROCEED WITH THE RESURFACING OF EUCLID-CHARDON ROAD PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, on July 12, 2007 the Council of the City of Willoughby Hills adopted Ordinance No. 2007-52 authorizing and directing the Mayor to enter into Preliminary Legislation proposing cooperation with the Director of Transportation for the described project:

This project consists of the repair and resurfacing of 5.19 miles of U.S. Route 6 in the City of Willoughby Hills; and

WHEREAS, the City of Willoughby Hills shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of State funds set aside by the Director of Transportation for the improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

Also, the City agrees to assume and bear the entire cost and expense of the installation and/or repair of curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act.

In addition, the City also agrees to assume and bear one hundred (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

The share of the cost of the City of Willoughby Hills is now estimated in the amount of Six Hundred Twenty Nine Thousand Four Hundred Forty Four and -----00/100 Dollars, (\$629,444.00), but said estimate amount is to be adjusted in order that the City's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this Legislative Authority; and

WHEREAS, the City of Willoughby Hills agrees to the terms and conditions as outlined in the legislation and the contract attached hereto and reference herein; and thereby has determined it to be in the public interest to provide consent to the Director of Transportation to proceed with the highway improvement.

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 a Contract for Project Identification Code 22903, County Route Section LAK-006-00.00 with the State of Ohio Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223 , substantially pursuant to the terms and conditions as identified in said Contract, attached hereto as "Exhibit A" consisting of (5) pages and incorporated herein by reference, for the resurfacing of Euclid-Chardon Road (U.S. 6) from the west corporation line to the east corporation line a distance of 5.19 miles more or less in the City of Willoughby Hills.

SECTION 2. The estimated sum of **Six Hundred Twenty Nine Thousand Four Hundred Forty Four and ---00/100 Dollars, (\$629,444.00)** is hereby appropriated for the improvement described above and the Fiscal Officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance the share of the cost and expense over and above the amount to be paid from State funds.

SECTION 3. The City of Willoughby Hills hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SECTION 4. Upon the passage of this Ordinance, Administration is hereby directed to transmit to the Director of Transportation a fully executed copy of this Ordinance along with the accompanying documents:

- (1) Original Copy of the Fiscal Officer's Certificate
- (2) Original Copies of the Contract
- (1) Copy of the Official Highway Invoice No. 9533 with the City's check in the amount of **\$629,444.00**
or (1) Original Copy of the Escrow Agreement

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 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 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 usual daily operation of a municipal department and further reason to comply with the Ohio Department of Transportation's request that this Ordinance be enacted as soon as possible to meet the scheduled March 26, 2008 sale date; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: Kevin D. Malecek, 2008

Kevin D. Malecek
President of Council

Submitted to the Mayor for his approval
on this 28 day of February, 2008

Approved by the Mayor

February 28, 2008

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor