

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-13

By Bick Skoczen Sponsored By Mayor Cyril M. Kleem
AN ORDINANCE

ENACTED BY THE CITY OF BEREA, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), TO CONSENT TO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO UPGRADE GUARDRAIL END TREATMENTS ON W. BAGLEY ROAD (CR-27), AND DECLARING AN EMERGENCY.

PRELIMINARY LEGISLATION

RC 5521.01

ORDINANCE NO. 2020-13
PID NO. 111157
CTY-RTE-SEC D12-GR-FY2020 SAFETY

The following is an ordinance enacted by the City of Berea, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I – Project Description

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

Upgrade guardrail end treatments on W. Bagley Road (CR-27) in the City of Berea. This work is part of a larger ODOT project to upgrade guardrail end treatments on National Highway System routes within Cuyahoga and Lake counties.

NOW THEREFORE, be it ordained by the Council of the City of Berea, Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The entire cost and expense of the construction will be provided by the Department. No financial participation will be required by the LPA.

The LPA 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 IV – Utilities and Right-of-Way Statement

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.

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SECTION V - Maintenance

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 VI - Authority to Sign

The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: March 23, 2020
DATE

Attested: [Signature]
CLERK

Attested: [Signature]
LAW DIRECTOR

[Signature]
MAYOR
[Signature]
PRESIDENT OF COUNCIL

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

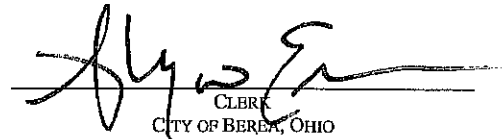
It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Berea, Cuyahoga County, Ohio

I, Alycia Esson, as Clerk of the City of Berea, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Berea on the 23rd day of March, 2020, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance No 2020-13

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 24th day of March, 2020.


CLERK
CITY OF BEREA, OHIO

(SEAL)
(If Applicable)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Berea, Ohio

Attest: _____, Date _____
MAYOR

For the State of Ohio

Attest: _____, Date _____
DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION

