

ORDINANCE NO. 46-19

BY: **DEBORAH LIME**
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIDDLEBURG HEIGHTS ACTING AS THE LOCAL PUBLIC AGENCY (LPA) WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING AND REPAIR OF PEARL ROAD FROM VALLEY PARKWAY TO JUST SOUTH OF SNOW ROAD IN THE CITIES OF STRONGSVILLE, MIDDLEBURG HEIGHTS, PARMA HEIGHTS AND PARMA, AND DECLARING AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the Mayor is hereby authorized to enter into an Agreement with the City of Middleburg Heights (LPA) with the Ohio Department of Transportation (ODOT) for the resurfacing and repair of Pearl Road (U.S. 42) from Valley Parkway to just South of Snow Road, the distance of 6.78 miles in the Cities of Strongsville, Middleburg Heights, Parma Heights and Parma.

Section 2. Consent Statement. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described Project.

Section 3. Cooperation Statement. The LPA shall cooperate with the Director of Transportation in the above described Project as follows:

The LPA agrees to the City of Middleburg Heights as the contractual agency for the LPA. The entire cost and expense will be provided by the City of Middleburg Heights. 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 4. 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 provision of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. 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 hold said right-of-way inviolate for public highway purposes.

Section 6. That the Mayor is hereby authorized to execute said Agreement and to take such action and to execute such other documents and amendments thereto as may be necessary as are approved by the Law Director.

Section 7. That 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 the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 8. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason to meet the deadlines established by ODOT and the LPA for filing and project sale, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO