

4/28/2021

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance # : _____

PID No. : 89267

County/Route/Section : CUY SR 017 07.09

The following is an ordinance enacted by the City of Parma of Cuyahoga
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

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

Resurfacing of Brookpark Road (SR-17) from West 130th Street to West 10th Street half in the City of Parma. This work is part of a larger project from West 130th Street to the IR-480EB ramps in the Cities of Parma, Cleveland and Brooklyn and in the Village of Brooklyn Heights.

NOW THEREFORE, be it ordained by the City of Parma of Cuyahoga County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the cost of the project. The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation.

ODOT financial participation for construction will be limited to 80% of the cost of a face-to-face of curb surface treatment using Urban Paving Funds and the City will provide 20% of the cost within their municipal limits.

The LPA further agrees to pay 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.



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The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA further agrees to pay 100% of the cost to upgrade and/or install and/or repair curb ramps within the project limits to ensure compliance with the Americans with Disabilities Act.

SECTION IV Authority to Sign

The LPA hereby authorizes _____ of said City of Parma to
(Signature authority) (LPA-or its division, department or agency)
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the _____ is also empowered to execute any appropriate documents to
(Signature authority)
affect the assignment of all rights, title, and interests of the City of Parma to ODOT arising from any
(LPA)
agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the 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 Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

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SECTION VII-Emergency measure
(as applicable)

The ordinance is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution)
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.

Passed: _____, 2021.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

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**CERTIFICATE OF COPY
STATE OF OHIO**

City of Parma of Cuyahoga County, Ohio
(LPA)

I, _____, as Clerk of the City of Parma
(LPA)
of Cuyahoga County, Ohio, do hereby certify that the foregoing is a true and correct copy of

ordinance adopted by the legislative Authority of the said
(Ordinance/Resolution)

City of Parma on the _____ day of _____, 2021.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2021.

SEAL

(Clerk)

City of Parma of Cuyahoga County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")