

ORDINANCE NO. 11362-2023

INTRODUCED BY: MAYOR ORCUTT

P/C 9-19-23 legislative
CA 10-10-23
1st R 10-17-23
2nd R _____
3rd R _____
B/C _____

AN ORDINANCE
AUTHORIZING THE MAYOR AS THE LOCAL PUBLIC AUTHORITY, TO GIVE
CONSENT, ON BEHALF OF THE CITY OF BROOK PARK, TO
THE OHIO DEPARTMENT OF TRANSPORTATION
FOR REPLACING THE SUPERSTRUCTURE OF THE BEREA FREEWAY (SR-237)
BRIDGE (BRIDGE SFN 1810286) OVER SNOW ROAD, IN THE CITY OF BROOK
PARK (PID 114522)
AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio has determined the need for the described project: Replace the superstructure of the Berea Freeway (SR-237) bridge (Bridge SFN 1810286) over Snow Road in the City of Brook Park.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Project Description: Replace the superstructure of the Berea Freeway (SR-237) bridge (Bridge SFN 1810286) over Snow Road in the City of Brook Park.

SECTION 2: Consent Statement: Being in the public interest, the City of Brook Park 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 3: Cooperation Statement: The City of Brook Park 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 State shall assume and bear 100% of all of the costs of the improvement. The City of Brook Park agrees to pay 100% of the cost of those features requested by the City of Brook Park which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

SECTION 4: Authority to Sign: The City of Brook Park hereby authorizes the Mayor of said City of Brook Park to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described

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project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project. Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Brook Park to ODOT arising from any 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 5: Utilities and Right-of-Way Statement: The City of Brook Park agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with the current State and Federal regulations. The City of Brook Park also understands that right-of-way costs include eligible utility costs. The City of Brook Park agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and ODOT Utilities Manual..

SECTION 6: Maintenance: Upon completion of the Project, and unless otherwise agreed, the City of Brook Park 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 provision, 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.

SECTION 7: 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 action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 8: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with the 237 Bridge Project as soon as possible, therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law. The Clerk of Council is hereby directed to send a certified copy of this ordinance to the State of Ohio, Director of Transportation.

PASSED: October 17, 2023

Jeff Wehrle
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
CLERK OF COUNCIL

APPROVED: Edmund A. Dineen
MAYOR

10-17-23
DATE

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance Resolution

No. 11362-2023

passed on the 17 day of October

20 23 by said council.

Carol Johnson
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coyne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS.

[Signature]
DIRECTOR OF LAW