

CITY OF BROOK PARK, OHIO

ORDINANCE NO. 11381-2024

INTRODUCED BY: MAYOR ORCUTT

PIC 1/2/24 Service
CA 1/9/24
1st R 1/16/24
2nd R _____
3rd R _____
E/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 RAIL DEVELOPMENT COMMISSION
FOR UPGRADING THE HIGHWAY TRAFFIC SIGNAL SYSTEM AT THE NORFOLK
SOUTHERN RAILROAD GRADE CROSSING AT EASTLAND ROAD NEAR SR-237,
IN THE CITY OF BROOK PARK, IN CUYAHOGA COUNTY,
AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Rail Development Commission has determined
the need for upgrading the highway traffic signal system at the
Norfolk Southern Railroad grade crossing at Eastland Road near SR-
237 in Brook Park, PID No. 115146, County/Route/Section: CUY
Eastland/SR-237Signal.

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

SECTION 1: Project Description: Upgrading the highway traffic
signal system at the Norfolk Southern Railroad grade crossing at
Eastland Road near SR-237 in the City of Brook Park in Cuyahoga
County.

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

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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 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.

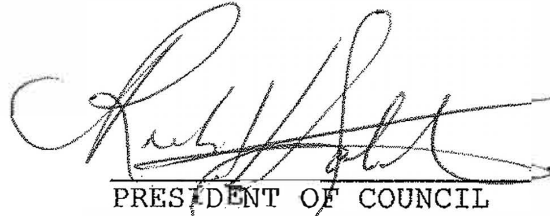
SECTION 6: Maintenance: Upon completion of the Project, and unless otherwise agreed, the City of Brook Park shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample 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 expedite the highway project and promote highway safety, 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:

January 16, 2024


PRESIDENT OF COUNCIL

ATTEST:

Carol Johnson
Clerk of Council

APPROVED:


MAYOR

1/16/24
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

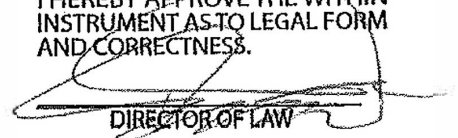
No. 11381-2024

passed on the 16 day of January
20 24 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"/>
McCorkle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dufour	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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


DIRECTOR OF LAW