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ORDINANCE NO: 11147-2020

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO GIVE CONSENT TO THE STATE OF OHIO
DIRECTOR OF TRANSPORTATION TO COMPLETE A GUARDRAIL UPGRADE
PROJECT IN THE CITY OF BROOK PARK,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park, referred to as the Local Public Agency (LPA) desires to upgrade guardrail and treatments on Snow Road and on the Berea Freeway; and

WHEREAS, the State of Ohio has determined the need for the described project:

Upgrade guardrail end treatments on Snow Road (CR-87) and on Berea Freeway (SR-237) in the City of Brook Park. 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 Brook Park, State of Ohio, that:

SECTION 1: Consent statement. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION 2: Cooperation Statement. The LPA shall cooperate with the Director of Transportation in the above described project as follows:

- a. The entire cost and expense of the construction will be provided by the Department. No financial participation will be required by the LPA.
- b. 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 3: Utilities and Right-of-Way Statement. The LPA agrees to acquire and/or make required for the described Project. The LPA also understands that right-of-way costs include eligible

utility costs. The LPA agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4: 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 5: 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.

SECTION 6: 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 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to authorize the Mayor to give consent to the State of Ohio to complete a guardrail project in the City of Brook Park; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS
 DIRECTOR OF LAW

PASSED: April 14, 2020
Emergency Special Council
 ATTEST: Michelle Blazak
 Clerk of Council

[Signature]
 PRESIDENT OF COUNCIL

APPROVED: [Signature]
 MAYOR

4/14/2020
 DATE

	Yea	_____
	Nay	_____
Troyer	_____	_____
Mencini	_____	_____
Orcutt	_____	_____
Scott	_____	_____
Schmuck	_____	_____
Poindexter	_____	_____
Sabatone	_____	_____

CERTIFICATE

Michelle Blazak, 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. 11847-2020 passed on the 14th day of April 2020 by said council.
Michelle Blazak
 Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
 commencing April 16, 2020
Michelle Blazak
 MICHELLE BLAZAK
 Clerk of Council