

ORDINANCE NO.: 90-2018  
INTRODUCED BY: Kumin

AN ORDINANCE TO CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION'S ("ODOT") RESURFACING OF RICHMOND ROAD (SR-175) FROM THE SOUTH CORPORATION LINE TO THE NORTH CORPORATION LINE IN THE CITY OF RICHMOND HEIGHTS (PID 85400); AND DECLARING AN EMERGENCY.

RE: **PID 85400**  
**CUY-175-9.83**

WHEREAS, as the Local Public Agency ("LPA"), the City of Richmond Heights of Cuyahoga County, Ohio has determined the need for the described "Project" – i.e., resurfacing of Richmond Road (SR-175) from the south corporation line to the north corporation line within the City of Richmond Heights.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, 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 as detailed in the LPA Federal ODOT-Let Agreement entered into between the parties, if applicable.

Section 2: – 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 assume and contribute the entire cost and expense of the improvement less the amount of State funds and 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.

The LPA agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the LPA, which is determined by the Director not to be part of or made necessary by the improvement.

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 agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 3: – Authority to Sign.

The LPA hereby authorizes the Mayor of said City to 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 Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City 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 4: – 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 eligibility utility costs.

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

Section 5: – 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.

Section 3: 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 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 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that it is immediately necessary in order to expedite the highway project and to promote highway safety; and, therefore, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED:

August 14, 2018

  
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David H. Roche, Mayor

APPROVED:

August 14, 2018

ATTEST:

  
\_\_\_\_\_  
Betsy Traben  
Clerk of Council

  
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Eloise Cotton-Henry  
President of Council