

TITLE

AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO AGREEMENT(S) WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION, AND ANY OTHER AGREEMENT(S) AND/OR CONTRACT(S), WHICH MAY BE NECESSARY OR USEFUL FOR THE MAH / POR / TRU GR FY24 (PID 10776) IN THE CITY OF WARREN, OHIO, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13201/2023

WHEREAS, the City has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

Guardrail maintenance and repair on SR82 within the City of Warren.

Said portion of the project is within the municipal corporation limits being hereinafter referred to as the improvement; and

WHEREAS, the City further desires cooperation from the Director of the Ohio Department of Transportation in the engineering, planning, construction, rehabilitation, resurfacing, and maintenance of said improvement; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: (Cooperation) That the City hereby requests the cooperation of the Director of the Ohio Department of Transportation in the cost of the above-described improvement as follows:

1. The City of Warren agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City of Warren which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
2. The State shall agree to assume and bear one hundred (100%) percent of all costs of the project.

Section 2: (Consent) That it is declared to be in the public interest that the consent of the City be and such consent is hereby given to said Director of Transportation to construct the above-described improvement, in accordance with plans, specifications, and estimates as approved by the Director.

Section 3: (Authority to Sign) That the Director of Public Service and Safety of the City is hereby empowered on behalf of the City to enter into agreement(s) with the Director of the Ohio Department of Transportation, and any other party, necessary or useful to complete the engineering, planning, construction, rehabilitation, resurfacing, and maintenance of this improvement.

Section 4: (Maintenance) That upon completion of said improvement, the City will: thereafter keep said highway open to traffic at all times, and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the right-of-way limits; and

(c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related Sections of the Ohio Revised Code; and

Section 5: (Right-of-Way, Utility Rearrangement, and Damage and Liability Responsibilities)

(a) That all existing street and public right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.

(b) That the State will acquire any additional right-of-way if required for the construction of the aforesaid improvement.

(c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by the City or the Ohio Department of Transportation.

Section 6: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety, and for the further reason that there exists a need for expediting highway improvements to promote highway safety at the earliest possible time and without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 25TH day of JANUARY, 2023.

SIGNED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK

FILED WITH THE MAYOR: _____

1-25-2023

DATE APPROVED: _____

1-25-2023

MAYOR, CITY OF WARREN, OHIO

CERTIFICATE OF COPY
STATE OF OHIO

City of Warren of Trumbull County, Ohio I, _____, as Clerk of Council of, the City of Warren of Trumbull County, Ohio, do hereby certify: that the foregoing is a true and correct copy of Ordinance No. _____ adopted by the legislative Authority of the said City on the _____ day of _____, 20____; that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 20____.

CLERK OF COUNCIL

(seal)
(If Applicable)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Warren, Ohio.

Attest: _____, Date _____

Eddie L. Colbert
Director of Public Service and Safety

For the State of Ohio

Attest: _____ Date _____

Director, Ohio Department
of Transportation

CONSENT LEGISLATION

RC 5521.01

Ordinance/Resolution# _____

PID No. 107764

County/Route/Section MAH/POR/TRU GR FY24

(Systematic)

The following is _____ enacted by the City of Warren of Trumbull
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Systematic guardrail maintenance and repair on SR 82 within the City of Warren.

NOW THEREFORE, be it ordained by the City of Warren of Trumbull 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.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA further 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 IV - 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.

SECTION V - 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, 23 USC 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 VI - Authority to Sign

The _____ of said _____ City of Warren _____ is hereby empowered
(Contractual Agent) (LPA)
on behalf of the _____ City of Warren _____ to enter into contracts with the Director of
(LPA)
Transportation which is necessary to complete the above described project.

Passed: _____
(Date)

Attested: _____
(Clerk) (Officer of LPA - title)

Attested: _____
(Title) (President of Council)

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and 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.

CERTIFICATE OF COPY
STATE OF OHIO

City of Warren _____ of _____ Trumbull _____ County, Ohio,
(LPA)

_____, as Clerk of the _____ City of Warren
(LPA)

of _____ Trumbull _____ County, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

City of Warren _____ on the _____ day of _____, 20 _____
(LPA)

that the publication of such _____ has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such _____
_____ have been taken; and that such _____
(Ordinance/Resolution) _____ (Ordinance/Resolution)

and certificate of publication thereof are of record in _____ Page _____
(Ordinance/Resolution Record No.)

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

CITY SEAL

Clerk

City of Warren _____ of _____ Trumbull _____ 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.")

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ City of Warren _____ of _____ Trumbull _____ County, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation