

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 ENGINEERING, PLANNING, RECONSTRUCTION AND RESURFACING OF TOD AVENUE FROM MARKET STREET TO ELM HILL DRIVE AND ATLANTIC STREET FROM MAHONING AVENUE TO ELM ROAD, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12602/15

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

Reconstruction and resurfacing of Tod Avenue from Market Street to Elm hill Drive and Atlantic Street from Mahoning Avenue to Elm Road.

said portion of highway 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, reconstruction and resurfacing 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 the entire cost and expense of the improvement, less the amount of Federal funds set aside by said Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation and further, the City of Warren agrees to assume and bear one hundred percent (100%) of the cost of right of way.

2. 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.

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 reconstruct and resurface 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, reconstruction and resurfacing of this improvement.

Section 4: (Traffic Control Signals and Devices) That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

Section 5: (Maintenance and Parking) 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

(d) Regulate parking in the following manner:

Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

Section 6: (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

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

(b) That the State will acquire any additional right-of-way 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.

(d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive DH-P-411 inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Ohio Department of Transportation Engineer.

(e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all back filling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.

(f) That the installation of all utility facilities on the right of way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4" Utility Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.

(g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, the State agrees to accept responsibility for any all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.

Section 7: 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 9TH day of  
September, 2015.

SIGNED: [Signature] ATTEST: [Signature]  
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 9/9/15

DATE APPROVED: 9/9/15

[Signature]  
MAYOR, CITY OF WARREN, OHIO

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

For the City of Warren, Ohio.  
Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer  
For the State of Ohio:  
Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation