

REQUESTED BY:  
FORTE - BROWN

LAW DEPARTMENT  
Draft No. 0206

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 CULVERT REPAIR / REPLACEMENT UNDER TRU 82.16.65 (CFN 1872877) PID 106199 IN THE CITY OF WARREN, OHIO, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13080/2021

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

Culvert repair / replacement under TRU 82.16.65 (CFN 1872877)

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 8<sup>th</sup> day of December, 2021.

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

FILED WITH THE MAYOR: 12-8-2021

DATE APPROVED: 12-8-2021

[Signature]  
MAYOR, CITY OF WARREN, OHIO

CERTIFICATE OF COPY  
STATE OF OHIO

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(LPA)

, as Clerk of the Error! Reference source not found.  
(LPA)

of Error! Reference source not found. County, Ohio, do hereby certify that the forgoing is a true and  
correct copy of (Ordinance/Resolution) adopted by the legislative Authority of the said

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(LPA)

that the publication of such (Ordinance/Resolution) has been made and certified of  
record according to law; that no proceedings looking to a referendum upon such  
(Ordinance/Resolution) have been taken; and that such (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 \_\_\_\_\_,

\_\_\_\_\_  
Clerk

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(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 Error! Reference source not found. of Error! Reference source not found. County, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_

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For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation