

(Mayor Potter)

CITY OF KIRTLAND

ORDINANCE NUMBER 22-O-52

AN ORDINANCE GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPAIR OF SLOPE FAILURES ON STATE ROUTE 306, PID 113805, IN THE CITY OF KIRTLAND, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation (“ODOT”) has determined the need for the described project: Repair the slope failures on SR-44 (LAK-44-6.05) in Painesville Township, on SR-174 River Road (LAK-174-1.34) in City of Willoughby Hills and on SR-306 Chillicothe Road (LAK-306-4.66) in the Cities of Willoughby and Kirtland.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I – Consent Statement. Being in the public interest, the City of Kirtland gives consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION II – Cooperation Statement. The City of Kirtland agrees to 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 State of Ohio shall assume and bear 100% of all costs of the Project Improvement. The City of Kirtland agrees to pay 100% of the cost of any features requested by the City of Kirtland and determined by the State and Federal Highway Administration to be unnecessary for the project up to \$25,000.

SECTION III – Authority to Sign. The City of Kirtland hereby authorizes the Mayor or his designee 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 or his designee is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Kirtland 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 IV – Utilities and Right-of-Way Statement. The City of Kirtland agrees that all right-of-way required for the Project will be acquired and/or made available in accordance with current State and Federal regulations, including eligible utility costs. The City of Kirtland agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance. Upon completion of the Project, and unless otherwise agreed, the City of Kirtland shall provide adequate maintenance for the Project in accordance with all applicable State and Federal Laws, including, but not limited to, Title 23, U.S.C. Section 116; provide ample financial provisions as necessary for the maintenance of the Project; maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

SECTION VI:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the Project is immediately necessary in order to expedite the execution of the Project per ODOT requirements and to promote highway safety. Therefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2022.

ATTEST:

Approved by the Mayor, this ___ day
of _____, 2022.

Clerk of Council
ODOT Consent for SR-306 Slope Repairs

Mayor Kevin F. Potter