

ORDINANCE NO. 2023-O-35

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ODOT FOR THE DISTRICT PAVEMENT PREVENTATIVE MAINTENANCE CONTRACT FOR SFY 2024 IN WHICH A LOCATION OF THE PROJECT IS THE PREVENTATIVE MAINTENANCE RESURFACING OF THE PORTION OF MUNSON ROAD (SR-615) IN THE CITY OF MENTOR-ON-THE-LAKE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio has determined the need for the following described project including preventative maintenance contract for SFY 2024 in which a location of the project is the preventative maintenance resurfacing of the portion of Munson road (SR-615) in the City of Mentor-on-the-Lake, Ohio; and

WHEREAS, this Council determines it is in the best interests of the City as the Local Public Agency (LPA) to enter into said agreement, and that Council has reviewed the terms of such agreement with the Administration, finds the same to be acceptable, and determines that it should be ratified.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MENTOR-ON-THE-LAKE, COUNTY OF LAKE, AND STATE OF OHIO:

Section 1. That this Council does hereby ratify and acknowledges that it is in the public interest for the LPA to give consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project and that by the passage of this Ordinance Council consents to entering into the Agreement with ODOT..

Section 2. The LPA shall cooperate with the Direction of Transportation in the development and construction of the above-described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

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

The LPA agrees to pay 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.

The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the American Disabilities Act.

The LPA hereby authorizes the signature authority of the Mayor of said LPA or its division, department or agency 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 signature authority is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Mentor-on-the-Lake 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.

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.

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

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 2. That, all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which 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 3. That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need to immediately implement the provisions of said LPA Agreement.

WHEREAS, said Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

ADOPTED: January 9, 2024



ROBERT JOHNSON
PRESIDENT OF COUNCIL

ATTEST: Jaye M. Dase
CLERK OF COUNCIL



DAVID R. EVA DATE
MAYOR

i, Joseph M. Payne Clerk of Council of the
City of Mentor-on-the-Lake, do hereby certify
that the foregoing is a true and exact copy of
Ordinance No. 2023-0-35 passed
by the Council on the 9th day of
January, 2024.

Joseph M. Payne
Clerk of Council