

NAME OF STREET _____

ORDINANCE NO. 68-1999

OFFERED BY: All of Council

ROUTE NO. Interstate Route 271

DATE September 7, 1999

An emergency ordinance enacted by the Village of Richfield, Summit County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Director of Transportation.

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

Reconstruction of the roadway and structures on I-271 from I-71 to 2.33 slm in Summit County.

The length of the improvement within the Village of Richfield is approximately 1.16 miles.

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the Village further desires cooperation from the Director of Transportation in the planning, design and construction of said improvement.

NOW THEREFORE, Be it ordained by the Council of the Village of Richfield, Ohio:

SECTION I (Cooperation)

That said Village hereby requests the cooperation of the Director of Transportation in the cost of the above described improvement as follows:

- 1) *The Village gives consent for the above improvement.*
- 2) *No funds are required from the Village, except that the Village agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the Village and not necessary for the improvement as determined by the State and the Federal Highway Administration.*

SECTION II (Consent)

That it is declared to be in the public interest that the consent of said Village be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

SECTION III (Authority to Sign)

That the Mayor of said Village, is hereby empowered and directed on behalf of the Village to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION IV (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 V (Maintenance and Parking)

That upon completion of said improvement, said Village, 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.
- (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 VI (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public way right-of-way within the Village which is necessary for the aforesaid improvement, shall be made available therefor.
- (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 said Village or the Department of Transportation.
- (d) That it is hereby agreed that the Village 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 HP-508 inside or outside the corporate limits as may be necessary to conform to the said improvements and said rearrangements shall be done at such time as requested by the 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 backfilling 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 Village 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 Village's obligations made or agreed to in Section (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, the State 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 State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.

SECTION VII

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 7, 1999.

Attest: Carole Gibson
Clerk

Ronald H. Larsen
Mayor

Attest: Carole Gibson

Michael Tepus
President of Council

CERTIFICATE OF COPY

STATE OF OHIO

Village of Richfield ss

County Summit

I, Carole Gibson, as Clerk of the Village of Richfield, Ohio do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said Village on the 7th day of September, 1999, that the publications 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 Ordinance Record No. 68-1999, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 8th day of September, 1999.

(SEAL)

Carole Gibson
Clerk

Village of Richfield, Ohio.

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

Attest: Carole Gibson

For the Village of Richfield, Ohio.

Donald W. Lensen, Date 9/8/99
Contractual Officer

Attest: _____

For the State of Ohio

_____, Date _____
Director, Ohio Department of Transportation