

AN ORDINANCE TO CONSENT TO THE CONSTRUCTION OF A BIKE PATH ALONG SR 176 AND SR 303 AND TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

WHEREAS, the Village has identified the need for and proposed the construction of one (1) public bikeway which is described as follows:

A threefold bike path along SR 176 and SR 303 as follows:

1. Signed route on SR 176 from the vicinity of the power transmission line (running parallel to I-77) to the vicinity of Brecksville Road.
2. Construct a path next to the pavement on each side of SR 176 from the vicinity of Brecksville Road northwest to the vicinity of SR 303.
3. Construct a path next to the pavement on each side of SR 303 from the vicinity of SR 176 east to the vicinity of the Village Civic Center and Library.

WHEREAS, the bikeway is within the Village of Richfield and is the improvement, and

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

NOW THEREFORE, Be It Ordained by the Council of the Village of Richfield, Ohio:

Section 1: The Village of Richfield hereby requests the cooperation of the Director of Transportation, in the cost of the improvement as follows: subject to and conditioned on the approval of final plans and specifications, the Village agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-Aid funds set aside by the Director of Transportation for financing this improvement from funds allocated by the Federal Highway Administration, US Department of Transportation, and further agrees to bear one hundred percent (100%) of the cost for Preliminary Engineering and Right of Way and all costs for added construction items generating extra work contracts under Ohio Laws, unless performance is approved by the Federal Highway Administration before work is authorized.

Section 2: It is declared to be in the public interest that the consent of the Village be and such consent is hereby given to the Director to construct the improvement, in accordance with plans, specifications and estimates as approved by the Director.

Section 3: The Mayor and Director of Finance are hereby authorized to enter into maintenance and parking agreements and special contractual obligations.

Section 4: Upon completion of the improvement, the Village, will thereafter keep the bikeway open to traffic 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 the right of way inviolate for public 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) Prohibit parking on that portion of the bikeway that is within the Village.

Section 5:

- (a) 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) The Village will acquire any additional right of way required for the construction of the improvement, in accordance with applicable State and Federal regulations.

(c) 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 improvement and the companies have agreed to make any and all necessary plant removals or rearrangements in such manner as to be clear of any construction called for by the plans of the improvement and the companies have agreed to make such necessary rearrangements immediately after notification by the Village or the Department of Transportation.

(d) 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 No. 28-A.

(e) The construction, reconstruction, and/or rearrangement of both public and privately owned utilities, referred to in subsection (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) 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 Accomodation.

(g) The Village hereby agrees that the Department of Transportation of the State of Ohio, shall be and is hereby saved harmless from any and all damages or claims thereof arising from or growing out of the certification of obligations made or agreed to in Sections (a), (b), (c), (d) and (e) hereinabove.

Section 6:

This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting bikeway improvements to promote highway safety, and provided it receives the affirmative vote to 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:

5/8/85

William J. Hayes
President of Council

E. James Justice
Mayor

Dated: 5-8-85

Attest:

Theresa Stegley
Clerk of Council

CERTIFICATE OF COPY TO ORDINANCE 23-1985

STATE OF OHIO

Village of Richfield
County of Summit

ss

I, Mary Higley, as Clerk of Council 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 Village on the _____ 8th _____ day of _____ May _____, 1985, that the publication 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.

Mary Higley
Clerk of Council
Village of Richfield, Ohio.

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

For the Village of Richfield, Ohio.

Attest: _____

MAYOR

DATE

Contractual Officer, F.D. Date
Village of Richfield

For the State of Ohio

Attest: _____

Director, Date
Ohio Department of Transportation