

REQUESTED BY:
BROWN

LAW DEPARTMENT
Draft No. 0175

TITLE

AN ORDINANCE FOR THE PURPOSE OF REPEALING AND REPLACE ORDINANCE #12976/2020, 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 TRU US422-10.79 (WARREN BLVD.) PROJECT, PID 102755, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13057/2021

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

Pavement repairs on Warren Boulevard between Chestnut Avenue and Columbia Place and minor bridge work to SFN7807074 TRU 422-12.82.

said portion of the project is within the municipal corporation limits being hereinafter referred to as the improvement; and

WHEREAS, the Ohio Department of Transportation has adjusted the estimate for the local fund match; 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 entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.
2. The share of the cost of the City of Warren is now estimated in the amount of One Hundred Fifty-Four Thousand Five Hundred Eighty Dollars (\$154,580.00) LESS OPWC in the amount of One Hundred Thousand Dollars (\$100,000.00) leaving a balance of Fifty-Four Thousand Five Hundred Eighty Dollars (\$54,580.00), but said estimated amount is to be adjusted in order that the City of Warren's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined.

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 30TH day of September 2021.

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

FILED WITH THE MAYOR: 9-30-2021

DATE APPROVED: 9-30-2021

[Signature]
MAYOR, CITY OF WARREN, OHIO

CERTIFICATE OF COPY
STATE OF OHIO

City of Warren of Trumbull County, Ohio I, [Signature],
as Clerk of Council of, the City of Warren of Trumbull County,
Ohio, do hereby certify: that the foregoing is a true and
correct copy of Ordinance No. 13057/2021 adopted by the
legislative Authority of the said City on the 30TH day of
September 2021; 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 _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and
affixed my official seal, if applicable, this 30TH day of
September, 2021.

[Signature]
CLERK OF COUNCIL

(seal)
(If Applicable)

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

For the City of Warren, Ohio.

Attest: [Signature],
Eddie L. Colbert, Director
of Public Service and Safety

For the State of Ohio

Attest: _____
Director, Ohio Department
of Transportation

			WARREN
			COLBERT
			SAFOLD
			WHITE
			BROWN
			STEINBECK
			RUCKER
			GRAHAM

			WARREN CITY COUNCIL
			2020-2021
			LARSON
			NOVAK
			GREATHOUSE
			FORTE
			RACHERSON
			SAFOLD
			WHITE
			BROWN
			STEINBECK
			RUCKER
			GRAHAM