

TITLE

AN ORDINANCE FOR THE PURPOSE OF 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 "STW MUNI BRDG INSP PROG, PID: 117554, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13151/2022

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

Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development.

Said portion of the highway is within the municipal corporation limits being hereinafter referred to as the improvement; 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 total cost of those features requested by the City of Warren which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
2. The State shall agree to assume and bear one hundred (100%) percent of all costs of the inspections.

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.

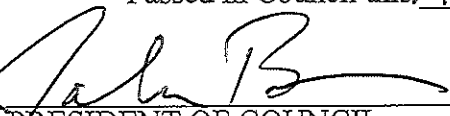
(b) That the State will acquire any additional right-of-way if required for the construction of the aforesaid improvement.

(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 14<sup>th</sup> day of September, 2022.

SIGNED

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK

FILED WITH THE MAYOR: \_\_\_\_\_

9-14-2022

DATE APPROVED: \_\_\_\_\_

9-14-2022

  
MAYOR, CITY OF WARREN, OHIO

## LEGISLATION CONSENT

Rev. 8/5/2022

Ordinance/Resolution #: \_\_\_\_\_

ODOT Project Title: Municipal Bridge Inspection Program

The following is a/an \_\_\_\_\_ enacted by the \_\_\_\_\_ of  
(Ordinance/Resolution) (Local Public Agency)

\_\_\_\_\_ County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### SECTION I – Project Description

WHEREAS the (LPA) has determined the need for the described project:

*Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical findings report, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.*

NOW THEREFORE, be it ordained by the \_\_\_\_\_ of \_\_\_\_\_ County, Ohio.

(LPA)

### SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

### SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

*The State shall assume and bear 100% of all the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).*

*The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the municipality As of October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.*

### SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

### SECTION V – Project Duration and Consent Applicability

The Project is based on the available funds provided by ODOT aimed at assisting the LPA in reaching compliance with State and Federal laws and policies for bridge inspection. The Project specifics (program duration, PID number, and consultant scope of services (Exhibit A)) shall be provided to the designated LPA Contractual Agent via email sent by ODOT Office of Structural Engineering (OSE).

ODOT will seek additional funds to renew the project in future years. If such funds are allocated, ODOT will send an email with the Project specifics to the designated LPA Contractual Agent seeking approval for the new Project. ODOT will not proceed with any Project that does not have written authorization via email from the designated LPA Contractual Agent.

**SECTION VI – Authorization of Project**

\_\_\_\_\_ of \_\_\_\_\_ is hereby empowered on behalf of the  
(Contractual Agent – Designated Position)  
(LPA)

\_\_\_\_\_ to provide written authorization via email to the Director of Transportation to  
(LPA)  
complete the above-described project and any renewals.

Passed: \_\_\_\_\_, 2\_\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)  
(Contractual Agent of LPA – title)

Attested: \_\_\_\_\_  
(President of Council)

The \_\_\_\_\_ is hereby declared to be an emergency measure to expedite the highway  
(Ordinance/Resolution)  
project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY  
STATE OF OHIO

\_\_\_\_\_ of \_\_\_\_\_ County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the \_\_\_\_\_  
(LPA)  
of \_\_\_\_\_ County, Ohio, do hereby certify that the foregoing is a true and correct copy of  
\_\_\_\_\_ adopted by the legislative Authority of the said  
(Ordinance/Resolution)  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.  
(LPA)

That the publication of such \_\_\_\_\_ has been made and certified of record according to  
(Ordinance/Resolution)  
Law; that no proceedings looking to a referendum upon such \_\_\_\_\_ have been taken;  
(Ordinance/Resolution)  
and that such \_\_\_\_\_ and certificate of publication thereof are of record in \_\_\_\_\_,  
(Ordinance/Resolution) (Record No.)  
Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.

\_\_\_\_\_  
(Clerk)

(CITY SEAL)

\_\_\_\_\_ of \_\_\_\_\_ County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

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

For the \_\_\_\_\_ of \_\_\_\_\_ County, Ohio.  
(LPA)

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Contractual Agent)

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For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_

(Director, Ohio Department of Transportation)