

ORDINANCE NO. 1772 AC CMS

AN ORDINANCE ENACTED BY THE CITY OF OBERLIN, LORAIN COUNTY, OHIO,
IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT, UNDER THE
SUPERVISION OF THE DIRECTOR OF TRANSPORTATION, AND DECLARING AN EMERGENCY

WHEREAS, the public interest and safety demands the improvement of College Street from Cedar Street to Oberlin Road; Oberlin Road from Lorain Street north to the City limits; Park Street from Lorain Street to Grafton Street; and Grafton Street from Park Street east to the City limits within the City of Oberlin. The improvement shall include pavement and curb removal, drainage improvements including storm sewers and catch basins, Type 6 curb, curb ramps, pavement overlays, and necessary appurtenances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That it is declared to be in the public interest that the consent of said City be and such consent is hereby given to the Director of Transportation to construct the above described improvement or portion thereof, in accordance with plans, specifications and estimates as approved by the Director.

SECTION 2. That said City hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows:

Assume and contribute the entire cost of expense of the improvement less the amount of Federal Aid funds set aside by the Director of Transportation and the Northeast Ohio Areawide Coordinating Agency (NOACA) for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

SECTION 3. That the City Manager of said City is hereby empowered and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION 4. That upon completion of said improvement, said 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.
- (d) Regulate parking in the following manner:

Prohibit all parking within the limits of improvements.

SECTION 5.

- (a) That all existing street and public way 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 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 City or the Department of Transportation.
- (d) That it is hereby agreed that the City 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 28-A, whether inside or outside the corporate limits as may be necessary to conform to the said improvement 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 said City hereby agrees that the said 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 or obligations made or agreed to in Sections hereinabove.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that 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 7. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the citizens of the City of Oberlin, Ohio, and for the further reason that it is necessary for expediting highway improvements to promote highway safety; WHEREFORE, this ordinance shall take effect and be in force from and immediately upon its passage.

PASSED: 1st Reading - March 19, 1984 (Emergency)
2nd Reading -
3rd Reading -

ATTEST:


Clerk of Council


Chairman of Council

POSTED: March 20, 1984