

ORDINANCE NO. 2025-90

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AND REQUESTING THE COOPERATION OF THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO RESURFACE SR-174 (RIVER STREET) FROM SR-84 (RIDGE ROAD) TO US-20 (EUCLID AVENUE) IN THE CITY OF WILLOUGHBY, LAKE COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that it is in the best interest of the residents of the City of Willoughby, Lake County, Ohio, to resurface SR-174 (River Street) from SR-84 (Ridge Road) to US-20 (Euclid Avenue) in the City of Willoughby ("Project");

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. (CONSENT) That the consent of the City of Willoughby (hereinafter "City") is hereby given to the Director of the Ohio Department of Transportation (hereinafter, "Director") to complete the above-described Project as detailed in the LPA-ODOT-Let Project Agreement entered into between the parties, if applicable.

SECTION 2. (COOPERATION) That the City shall cooperate with the Director in the above-described Project as follows:

The City agrees to participate in the cost of the Project. The City 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 the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way, environmental documentation, and construction engineering/inspection activities.

ODOT financial participation for construction will be limited to eighty percent (80%) of the cost for a non-structural overlay, up to \$504,000.00 in Urban Paving Funds, and the City will provide a twenty percent (20%) local match.

The City further agrees to pay one hundred percent (100%) of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change

order or extra work contract until it first gives notice, in writing, to the City. The City shall contribute its share of the cost of these items in accordance with other sections herein.

The City further agrees to pay one hundred percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

The City of Willoughby agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION 3. (AUTHORITY TO SIGN) That the Mayor of the City of Willoughby is hereby empowered on behalf of the City to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project. Upon the request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 4. (UTILITIES & RIGHT-OF-WAY STATEMENT) The City agrees to acquire and/or make available to the Director, in accordance with current State and Federal regulations, all necessary right-of-way required for the above-described Project. The City also understands that right-of-way costs include eligible utility costs.

The City agrees that all utility accommodation, relocation, and reimbursement shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5. (MAINTENANCE) Upon completion of the described Project, and unless otherwise agreed, the City shall provide adequate maintenance for the described Project in accordance with all applicable State and Federal laws, including, but not limited to, Title 23, USC Section 116; provide ample financial provisions, as necessary, for the maintenance of the described Project; maintain the right-of-way, keeping it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION 6. That the Clerk of Council is hereby directed to forward one (1) original signature, certified copy of this legislation to Laurie Scarmuzzi, Transportation Engineer 2, Planning Department, ODOT District 12, 5500 Transportation Boulevard, Garfield Heights, OH 44125.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

SECTION 8. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to expedite the above-described Project to promote highway safety; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Passed: August 12, 2025  President of Council

Attest:  Clerk of Council

Date: 08.13.25 Approved:  Mayor

Submitted to the Mayor for his approval on this 13th day of August, 2025.

 Clerk of Council