

PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

Ordinance #: 2023-48

PID No. : 89274

County/Route/Section: LAK SR 640 00.00

The following is an Ordinance enacted by the City of Willowick of Lake County, Ohio hereinafter
(Ordinance/Resolution) (Local Public Agency)
referred to as the Local Public Agency (LPA).

ORDINANCE NO. 2023-48

AN ORDINANCE AUTHORIZING THE APPROVAL OF THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) REQUESTED ADDITIONAL LEGISLATION AND REQUIREMENTS TO COMPLETE THE TERMS OF THE COOPERATIVE AGREEMENT BETWEEN ODOT AND THE CITIES OF EASTLAKE, WILLOWICK AND WILLOUGHBY, FOR THE RESURFACING OF VINE STREET, PROJECT NO. 89274, AND DECLARING AN EMERGENCY.

SECTION I. Project Description

WHEREAS, the STATE has determined the need for the described project: Resurface Vine Street (SR-640) from Lakeshore Boulevard (SR-283) to East 364th Street in the Cities of Willowick, Eastlake, and Willoughby. The portion of SR-640 within the Willowick municipal limits is from Lake Shore Boulevard to the East Corporation Line.

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

SECTION II. Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III. Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the cost of the project. The LPA 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 of Eastlake is acting as the lead contractual agency for the construction funding on behalf of the Cities of Willowick and Willoughby.

ODOT financial participation for construction will be limited to 80% of the cost of a face-to-face of curb surface treatment using Urban Paving Funds and the City will provide 20% of the cost within their municipal limits.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA 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 LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA further agrees to pay 100% of the cost to upgrade and/or install and/or repair curb ramps within the project limits to ensure compliance with the Americans with Disabilities Act.

SECTION IV. Authority to Sign.

The LPA hereby authorizes the Mayor of said City of Willowick 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 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 of Willowick to ODOT arising from any (LPA) 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 V. Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

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

SECTION VI. Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as

necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION VIII. This Ordinance is hereby declared to be an emergency measure necessary to expedite the highway project and promote highway safety. Following appropriate legislative action, it shall take effect and be in effect immediately upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted by Council: _____, 2023

Council President

Submitted to the Mayor: _____, 2023

Michael Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Willowick of Lake County, Ohio

(LPA)

I, Christine Morgan as Clerk of the **City of Willowick of Lake County, Ohio** do hereby certify
(LPA)

that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said City of Willowick on the ____ day of October, 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _day of October, 2023.

SEAL

(Clerk)

City of Willowick of Lake 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.")