

RESOLUTION NO. 134-2021 (MS), *Second Reading*

By Council Member Hart

A Resolution authorizing the Ohio Department of Transportation (“ODOT”) to complete a project improving sidewalks and pedestrian crossing facilities within Cleveland Heights; and declaring an emergency.

WHEREAS, the State of Ohio has identified the need for the following described project: SRTS Infrastructure Project to improve walking and biking to the Cleveland Heights/University Heights schools. Project will install ADA compliant curb ramps and high visibility ladder style crosswalk markings at two mid-block crossings and four intersections and will install bike racks with concrete pads in the City of Cleveland Heights; and

WHEREAS, this Council has determined that it is in the best interests of the City and its residents to participate in said project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby gives consent to the Director of Transportation for the State of Ohio to complete the following described project: SRTS Infrastructure Project to improve walking and biking to the Cleveland Heights/University Heights schools. Project will install ADA compliant curb ramps and high visibility ladder style crosswalk markings at two mid-block crossings and four intersections and will install bike racks with concrete pads in the City of Cleveland Heights (hereafter the “Project”).

SECTION 2. The City shall cooperate with the Director of Transportation in the Project as follows:

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 and environmental documentation.

The City agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the City, which is determined by the Director not to be part of or made necessary by the improvement.

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.

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The City 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 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. The City agrees to acquire and/or make available to Ohio Department of Transportation ("ODOT"), in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4. Upon completion of the described Project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the described 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 described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

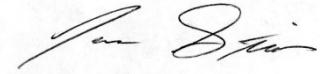
SECTION 5. The City Manager is hereby empowered on behalf of the City to enter into any and all agreements with the Ohio Director of Transportation, and any related agreements, necessary to complete the above-described Project, subject to approval as to form, of the Director of Law.

SECTION 6. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet ODOT deadlines and to expedite the project in order to improve pedestrian traffic safety at the earliest time possible. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its

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passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



JASON S. STEIN
President of Council



AMY HIMMELMAN
Clerk of Council

PASSED: November 1, 2021