

**ORDINANCE NO: 2020-86**

**An emergency ordinance enacted by the Village of Oakwood Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY.**

Introduced by	Mayor
Motioned by	<i>Hardin</i>
Seconded by	<i>Rogers</i>
1st Reading	<i>10-27-2021</i>
2nd Reading	<i>/</i>
Third Reading	<i>/</i>
Under suspension	<i>/</i>

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

The resurfacing of Forbes Road from First Place to Richmond Road.

**NOW THEREFORE**, be it ordained by the Council of the Village of Oakwood

**A. CONSENT**

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to construct the above described improvement in accordance with plans, specifications and estimates approved by the COUNTY.

**B. COOPERATION**

1. That the MUNICIPALITY will cooperate with the COUNTY in the resurfacing of Forbes Road from First Place to Richmond Road.
2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under current Cuyahoga County standards for construction of County roads and bridges.
3. That the COUNTY will arrange for the supervision and administration of the construction project.

**C. FUNDING**

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.
2. That if the project is financed with State or Federal-aid funds, eligible costs of the improvement shall be financed from the aforesaid funds.
3. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in the Ordinance.
4. Within the corporate limits of the MUNICIPALITY, the MUNICIPALITY will be responsible for forty percent (40%), and the COUNTY will be responsible for sixty percent (60%), of the cost of the preparation of construction plans and specifications, including necessary engineering reports for the improvement.

5. Within the Corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the Non-Federal Share of the cost of construction, and construction supervision.
6. That the MUNICIPALITY agrees to deposit with the Treasurer of Cuyahoga County the MUNICIPALITY'S share of the estimated cost of the project or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the improvement.

**D. MAINTENANCE**

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY 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
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.
4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

**E. TRAFFIC**

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. 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
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and



5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

**F. RIGHT-OF-WAY**

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That in the event any additional right-of-way is required, the COUNTY will arrange for the acquisition.

**G. UTILITIES**

1. That the MUNICIPALITY will make arrangements with and obtain agreements from all privately owned 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 arrangements 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 MUNICIPALITY.
2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.
4. That the construction, reconstruction, an/or rearrangement of all utilities 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 provision of the Ohio Department of Transportation Construction and Material Specifications.

**H. MISCELLANEOUS**

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the County and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.
2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4 and hereby agrees that the COUNTY shall be

and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, G-1, G-3, and G-4 hereinabove.

3. For the purpose of this Ordinance, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.
4. By enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic signature policy of Cuyahoga County.

#### **I. AUTHORITY TO SIGN**

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.
2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio for approval to use County Motor Vehicle License Tax Funds for the improvement.

This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, an provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 27, 20 20  
Attest: [Signature]  
[Signature]  
Clerk of Council

[Signature]  
Mayor  
[Signature]  
President of Council

\*\*\*\*\*

**CERTIFICATE OF COPY**

State of Ohio )  
County of Cuyahoga ) SS.  
Village of Oakwood )

I, Debra Hladky, as Clerk of the Village of Oakwood, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said municipality on the 27th day of October, 2020, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. 2020-86, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 27th day of October, 2020.

  
Clerk

Village of Oakwood, Ohio

**MUNICIPAL SEAL**



## AGREEMENT

### Between the County of Cuyahoga, Ohio and Village of Oakwood for the resurfacing of Forbes Road from First Place to Richmond Road

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the County of Cuyahoga, Ohio, (the "COUNTY"), and the Village of Oakwood (the "MUNICIPALITY") by its Mayor, having been duly authorized to enter into said agreement by Ordinance No. \_\_\_\_\_ adopted by Council of the City of Oakwood Village on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

#### **WITNESSETH:**

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

The resurfacing of Forbes Road from First Place to Richmond Road.

**NOW THEREFORE**, in consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is mutually agreed between the parties hereto as follows:

#### **A.     CONSENT**

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to construct the above described improvement in accordance with plans, specifications and estimates approved by the COUNTY.

#### **B.     COOPERATION**

1. That the MUNICIPALITY will cooperate with the COUNTY in the resurfacing of Forbes Road from First Place to Richmond Road.
2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under current Cuyahoga County standards for construction of County roads and bridges.
3. That the COUNTY will arrange for the supervision and administration of the construction project.

#### **C.     FUNDING**

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.
2. That if the project is financed with State or Federal-aid funds, eligible costs of the improvement shall be financed from the aforesaid funds.
3. That if funds administered by the Ohio Public Works Commission are used for this

project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this Agreement.

4. Within the corporate limits of the MUNICIPALITY, the MUNICIPALITY will be responsible for forty percent (40%), and the COUNTY will be responsible for sixty percent (60%), of the cost of the preparation of construction plans and specifications, including necessary engineering reports for the improvement.
5. Within the Corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the Non-Federal Share of the cost of construction, and construction supervision.
6. That the MUNICIPALITY agrees to deposit with the Treasurer of Cuyahoga County the MUNICIPALITY'S share of the estimated cost of the project or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the improvement.

D. **MAINTENANCE**

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY 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
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.
4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. **TRAFFIC**

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

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3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

F. **RIGHT-OF-WAY**

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That in the event any additional right-of-way is required, the MUNICIPALITY will arrange for the acquisition.

G. **UTILITIES**

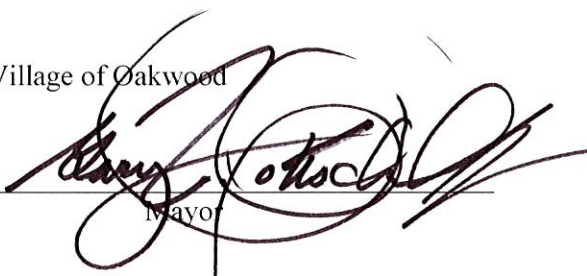
1. That the MUNICIPALITY will make arrangements with and obtain agreements from all privately-owned public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary arrangements immediately after notification by said MUNICIPALITY.
2. That the COUNTY will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
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H. **MISCELLANEOUS**

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2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, G-1, G-3 and G-4 hereinabove.
3. For the purpose of this Agreement, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.
4. By entering into this Agreement I agree on behalf of the Village of Oakwood, to conduct this transaction by electronic means by agreeing that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. I also agree on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapter 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures the day and year mentioned above.

Village of Oakwood  
By:   
Mayor

County of Cuyahoga, Ohio

BY \_\_\_\_\_  
Armond Budish, County Executive



Cuyahoga County  
Together We Thrive

Department of Public Works

July 09, 2020

Honorable Mayor and Council  
Village of Oakwood  
24800 Broadway Avenue  
Oakwood Village, OH 44146

RE: Resurfacing of Forbes Road from First Place to Richmond Road in the City of Bedford Heights and  
Oakwood Village  
County ID #1286

Dear Mayor and Members of Council:

We are happy to provide County assistance for improving the above referenced roadway. Subject to the receipt of federal funding, the County is willing to sponsor the resurfacing project as shown in the enclosed Agreement. The County will work with you to program the project through ODOT, arrange for the preparation of construction plans and specifications, including necessary engineering reports, and for the supervision and administration of the construction contract. It is anticipated that this project will be bid in 2023.

Enclosed herein please find:

1. One (1) copy of an Agreement of Cooperation between the County of Cuyahoga, Ohio, and the Village of Oakwood; and
2. One (1) copy of an Ordinance of consent; and
3. One (1) copy of Motor Vehicle License Tax Application MPD 1-72.

*Please disregard the letter and attachments dated June 24<sup>th</sup>; this letter and enclosed attachments replace what was previously sent. A paragraph was added to both the Agreement of Cooperation and the Ordinance regarding design participation costs.*

Please properly execute and return all documents to this office for further processing. The County requests that the City does not alter the enclosures. If you have any further questions, please contact me.

Sincerely,

Nichole English, P.E.  
Chief Planning and Programming Engineer

Encl/As Noted  
lw



TO: THE COUNTY OF CUYAHOGA, OHIO DATE: \_\_\_\_\_  
RE: APPLICATION FOR APPROVAL OF PROJECT USING COUNTY MOTOR VEHICLE LICENSE TAX FUNDS  
.....

PART A

PROJECT DESCRIPTION

MUNICIPALITY: Village of Oakwood ROAD: Forbes Road  
ROAD NUMBER: \_\_\_\_\_ PROJECT LENGTH: \_\_\_\_\_  
AVERAGE DAILY TRAFFIC: (Indicate 12 or 24 hour): \_\_\_\_\_  
ACCIDENTS DURING PAST YEAR: Prop. Damage: \_\_\_\_\_ Pers. Inj.: \_\_\_\_\_ Fatal: \_\_\_\_\_  
EXISTING PAVEMENT WIDTH: \_\_\_\_\_ RIGHT OF WAY WIDTH: \_\_\_\_\_ SPEED LIMIT: \_\_\_\_\_  
RAILROAD CROSSINGS AT: \_\_\_\_\_  
EXISTING BRIDGES OVER 20 FOOT SPANS: \_\_\_\_\_  
.....

PART B

PURPOSE AND DESCRIPTION OF WORK

The resurfacing of Forbes Road from First Place to Richmond Road.  
\_\_\_\_\_  
\_\_\_\_\_

PART C

TRAFFIC CONTROL INVENTORY

ARE EXISTING SIGNS, MARKINGS AND TRAFFIC SIGNALS IN CONFORMANCE WITH THE OHIO MANUAL OF TRAFFIC CONTROL DEVICES (IF KNOWN)?: \_\_\_\_\_ IF NO, LIST DEFICIENCIES: \_\_\_\_\_  
\_\_\_\_\_ ARE EXISTING SIGNALS INTERCONNECTED?: \_\_\_\_\_  
NUMBER OF EXISTING: Full actuated signals: \_\_\_\_\_ Semi-actuated signals: \_\_\_\_\_  
NUMBER OF PRETIMED SIGNALS AND AVERAGE SPACING: \_\_\_\_\_  
EXISTING PARKING REGULATIONS: \_\_\_\_\_  
.....

PART D

FUNDING

	<u>COST</u> <u>ESTIMATE</u>	<u>LCNS TAX</u>	<u>PROPOSED FINANCING (\$ OR %)</u>			<u>OTHER</u>
			<u>MUNICIPAL</u>	<u>COUNTY</u>	<u>FEDERAL</u>	
<u>PRELIMINARY ENGR.</u>						
<u>RIGHT-OF-WAY</u>						
<u>CONSTRUCTION ENGR.</u>						
<u>ROADWAY &amp; PAVEMENT</u>						
<u>STRUCTURES</u>						
<u>OTHER</u>						
<u>TOTALS</u>						

RECOMMENDED FINANCING: \_\_\_\_\_  
.....

PART E

MUNICIPAL ACTION

PROPOSED BY: Mary L. Johnson TITLE: Mayor DATE: 10/28/20  
ACTION BY COUNCIL: \_\_\_\_\_ Ordinance No. 2020-86 DATE: 10-27-2020  
CERTIFIED BY: [Signature] DATE: 10-28-2020  
(Clerk of Council)



## SUMMARY OF REQUESTED ACTION

### Public Works Requests Approval of the Public Convenience and Welfare for the Resurfacing of Forbes Road, in the Cities of Bedford Heights & Oakwood Village

#### A. Scope of Work Summary

1. The Public Works Department requesting that Council find that public convenience and welfare requires the approval of the resurfacing of Forbes Road from First Place to Richmond Road, in the Cities of Highland Heights & Mayfield Village. The anticipated cost of this project is \$930,000. The anticipated start-completion dates are 6/1/2023 – 9/30/2023. This project is part of the new NOACA TIP 2021-2024 and the County is requesting to be the project sponsor.

a) The primary goal of this request is to begin the process of Council review and approval of this project. The primary goal of the project itself is the approval of Convenience and Welfare.

b) Forbes Road – From First Place to Richmond Road.

c) District 6 & 9

2. N/A

#### B. Procurement – N/A

#### C. Contractor and Project Information

1. N/A.

2. N/A

#### D. Project Status and Planning

1. The project is new to the County.

2. N/A.

#### E. Funding

1. The project is to be funded with funded \$620,000 Federal, \$155,000 County Road and Bridge and \$155,000 Bedford Heights & Oakwood Village (66-17-17 split). The total cost of the project is \$930,000.

#### Notes:

- *Agenda Item for Consideration – Declare Convenience and Welfare*

Created by: Eric Mack



## CUYAHOGA COUNTY DEPARTMENT of PUBLIC WORKS

### Project Fact Sheet – Resurfacing of Forbes Road: Bedford Heights & Oakwood Village

<b>Project Type</b>	Resurfacing of Forbes Road
<b>Project Limits</b>	First Place to Richmond Road (1.2 miles)
<b>Average Daily Traffic</b>	4,800 vehicles per day
<b>Pavement Condition Rating</b>	63 (Fair to Poor)
<b>Council District</b>	6 & 9
<b>Project Cost</b>	\$930,000
<b>Proposed Funding</b>	Federal (\$620,000) County (\$155,000) Bedford Heights (\$77,500) Oakwood Village (\$77,500)
<b>Project Design</b>	County Department of Public Works
<b>Construction Admin</b>	County Department of Public Works

