

ORDINANCE 2022-63

AN EMERGENCY ORDINANCE REQUESTING COOPERATION OF THE COUNTY OF CUYAHOGA, OHIO FOR THE TRYON ROAD PHASE II PROJECT LOCATED IN THE VILLAGE OF OAKWOOD

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

The Resurfacing of Tryon Road – Phase II from Jean Drive to Richmond Road in Oakwood Village (the “Project”).

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 Oakwood Village be and such consent is hereby given to Cuyahoga County to participate in the cost of construction of the Project.

B. COOPERATION

1. That Cuyahoga County and Oakwood Village will cooperate in the Project.
2. That Oakwood Village will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.
3. Oakwood Village will arrange for the supervision and administration of the construction contract.
4. That Cuyahoga County will review the construction plans, estimate, specifications and bid proposal for conformance with section B-2 of this Agreement. County approval of these documents is required prior to the advertisement of the construction contract. Cuyahoga County will make an inspection of the completed Project.
5. That Oakwood Village shall agree to provide Cuyahoga County with a complete set of as-built plans upon the completion of the Project.

C. FUNDING

1. Oakwood Village hereby agrees to participate with Cuyahoga County in the cost of the Project by using an allocation from the County Motor Vehicle License Tax Fund to pay the Cuyahoga County 's portion of the project.
2. That Cuyahoga County shall contribute fifty percent (50%) of the actual cost of construction and construction engineering which is determined to be eligible by the Cuyahoga County Engineer's policies up to a maximum of \$235,000.00.
3. In the event Oakwood Village secures additional funding for the Project, County's financial contribution and the supplemental funding cannot exceed the total actual cost of the Project.
4. The anticipated construction cost for this project is \$470,000.00. To determine funding eligibility, Cuyahoga County shall be notified immediately of any significant changes to the scope of work and/or construction cost.

D. MAINTENANCE

That upon completion of said resurfacing, said Oakwood Village will thereafter keep said highway open to traffic at all times; and

1. Maintain the resurfacing 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 Cuyahoga 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 Cuyahoga 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 Project in accordance with the applicable sections of the Ohio Revised Code.
4. After construction of the project is complete, Oakwood Village 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

1. That upon completion of the Project, Oakwood Village will thereafter keep said highway open to traffic at all times; and

2. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Project in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
3. 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
4. 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
5. 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
6. That Oakwood Village shall 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 streets and public right-of-way within Oakwood Village, which is necessary for the Project, shall be made available, therefore.
2. That Oakwood Village will arrange for the acquisition of any additional right-of-way which may be required for the construction of the Project.

G. UTILITIES

1. That the Oakwood Village will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the Project, 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 Project, and said companies have agreed to make such necessary arrangements immediately after notification by said Oakwood Village .
2. That Cuyahoga County will participate in the cost of alterations of governmentally owned utility facilities which come within the provisions of Section 8301 (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 Oakwood Village, at its own expense, make all rearrangements of governmentally owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (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 Project.
4. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the Project, 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 Oakwood Village includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Project), alternate bid items, or other items in the Project that are in addition to those now existing and not provided for elsewhere in this Agreement, the Oakwood Village 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 Oakwood Village shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, F-2, G-1, G-3, and G-4, and hereby agrees that the Cuyahoga County shall be and is hereby released from any and all damages or claims of the Oakwood Village arising from or growing out of the certification or obligations made or agreed to in said Sections F-1, F-2, G-1, G-3, and G-4 hereinabove.
3. For matters relating to this Project, the agent for Cuyahoga 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. Oakwood Village agrees to make all pertinent contractual books and records and other documents pertaining to the Project available to Cuyahoga County and its designated agents for the purpose of audit and examination upon reasonable request.
5. By enacting this Ordinance, Oakwood Village 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. Oakwood Village 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 transactions, and to comply with the electronic signature policy of Cuyahoga County.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, County of Cuyahoga, State of Ohio that:

SECTION 1. The Mayor of Oakwood Village is hereby empowered and directed on behalf of Oakwood Village to enter into agreements with Cuyahoga County necessary to complete the planning and construction of this improvement.

SECTION 2. The Mayor of Oakwood Village is hereby empowered and directed on behalf of Oakwood Village to make an application to the County of Cuyahoga, Ohio, for approval to use County Motor Vehicle License Tax Funds for the improvement.

SECTION 3. This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvement to promote highway safety, and provide 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: 12/13/2022


Christine Morgan, Clerk of Council


Johnnie A. Warren, President of Council

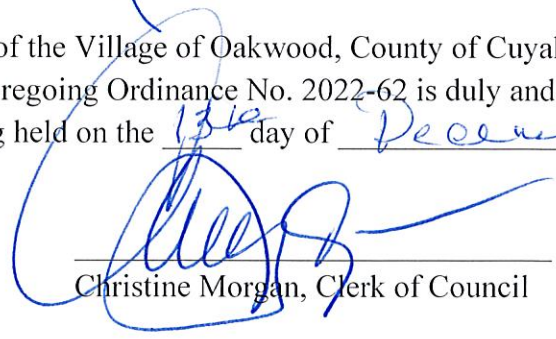
Presented to the

Mayor 12/14/2022

Approved: 12/14/2022

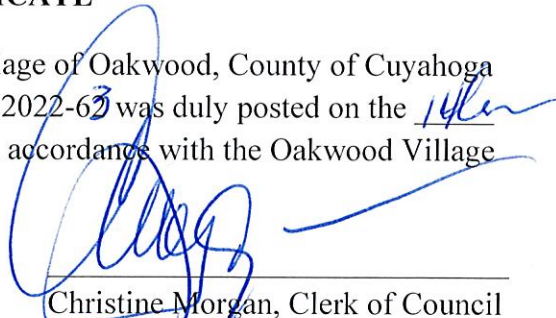

Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-62 is duly and regularly passed by this Council at the meeting held on the 13th day of December 2022.


Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2022-63 was duly posted on the 14th day of December 2022 and will remain posted in accordance with the Oakwood Village Charter.


Christine Morgan, Clerk of Council

DATED: 12/14/2022

AGREEMENT

Between the County of Cuyahoga, Ohio and Oakwood Village for the Resurfacing of Tryon Road – Phase II from Jean Drive to Richmond Road

This Agreement made and entered into this ____ day of _____, 20____, by and between the County of Cuyahoga, Ohio, a body corporate and politic and a political subdivision of the State of Ohio organized and existing under the Charter of Cuyahoga County effective January 1, 2010, as same may have been amended, modified, and supplemented to the effective date hereof, on behalf of the Department of Public Works (the “COUNTY”) and Oakwood Village (the “MUNICIPALITY”) by its Mayor, having been duly authorized to enter into this Agreement by Ordinance No. _____ adopted by Council 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 Tryon Road – Phase II from Jean Drive to Richmond Road in Oakwood Village (the “Project”).

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 participate in the cost of construction of the Project.

B. COOPERATION

1. That the COUNTY and the MUNICIPALITY will cooperate in the Project.
2. That the MUNICIPALITY will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.
3. That the MUNICIPALITY will arrange for the supervision and administration of the construction contract.
4. That the COUNTY will review the construction plans, estimate, specifications and bid proposal for conformance with section B-2 of this Agreement. County approval of these

documents are required prior to the advertisement of the construction contract. The COUNTY will make an inspection of the completed Project.

5. That the MUNICIPALITY shall agree to provide the COUNTY with a complete set of as-built plans upon the completion of the Project.

C. FUNDING

1. MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the Project by using an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY's portion of the project.
2. That the COUNTY shall contribute fifty percent (50%) of the actual cost of construction and construction engineering which is determined to be eligible by the Cuyahoga County Engineer's policies up to a maximum of \$235,000.00.
3. In the event MUNICIPALITY secures additional funding for the Project, County's financial contribution and the supplemental funding cannot exceed the total actual cost of the Project.
4. The anticipated construction cost for this project is \$470,000.00. To determine funding eligibility, the COUNTY shall be notified immediately of any significant changes to the scope of work and/or construction cost.

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 resurfacing 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 Project 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

1. That upon completion of the Project, MUNICIPALITY will thereafter keep said highway open to traffic at all times; and
2. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Project in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
3. 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
4. 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
5. 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
6. The MUNICIPALITY shall 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 Project shall be made available therefore.
2. That the MUNICIPALITY will arrange for the acquisition of any additional right-of-way which may be required for the construction of the Project.

G. UTILITIES

1. That the MUNICIPALITY will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the Project, 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 Project, and said companies have agreed to make such necessary arrangements 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 8301 (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 8301 (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 Project.
4. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the Project, 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 MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Project), alternate bid items, or other items in the Project that are in addition to those now existing and not provided for elsewhere in this Agreement, 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, F-2, 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 certification or obligations made or agreed to in said Sections F-1, F-2, G-1, G-3, and G-4 hereinabove.
3. For matters relating to this Project, 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. MUNICIPALITY agrees to make all pertinent contractual books and records and other documents pertaining to the Project available to the COUNTY and its designated agents for purpose of audit and examination upon reasonable request.

5. By entering into this agreement, I agree on behalf of Oakwood Village 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 Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

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

Oakwood Village



Mayor

County of Cuyahoga, Ohio

Armond Budish, County Executive

ATTEST:



Clerk of Council

CERTIFICATE OF COPY

State of Ohio)
County of Cuyahoga)
Oakwood Village)

I, Christine Morgan, as Clerk of Oakwood Village 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 19th day of December, 2022, that the publication of such Ordinance has been made 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. 2022-103, Page 1.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of December, 2022.



[Signature]
Clerk, Oakwood Village, Ohio

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: Oakwood Village ROAD: Tryon 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: _____

Resurfacing of Tryon Road – Phase II from Jean Drive to Richmond Road in Oakwood Village

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

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

RECOMMENDED FINANCING: _____

PART E

MUNICIPAL ACTION

PROPOSED BY: [Signature] TITLE: Mayor DATE: 12/14/2021

ACTION BY COUNCIL: [Signature] Ordinance No. 2022-63 DATE: 12/13/22

CERTIFIED BY: [Signature] DATE: 12/14/2020

(Clerk of Council)



Cuyahoga County
Together We Thrive

Department of Public Works

October 18, 2022

The Honorable Mayor Gary Gottschalk
Oakwood Village
24800 Broadway Avenue
Oakwood Village, Ohio 44146

RE: County Road 2023-2024 50/50 Funding Program – Tryon Road – Phase II from Jean Drive to
Richmond Road in Oakwood Village
County ID No. 1370

Dear Mayor Gottschalk:

County Council has approved the public convenience and welfare for the above referenced roadway resurfacing project. As per the enclosed agreement, the County shall contribute 50% to the cost of construction up to a maximum of \$235,000.00. The total estimated construction cost is \$470,000.00.

Enclosed herein please find:

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

Please properly execute and return all documents to this office for further processing. We request that you do not alter the enclosures. **Please note that all processed documents must contain original signatures (signed in ink–no photocopied signatures, please). The Ordinance should bear a municipal seal or certification stamp. Please fill out only Part E on the License Tax Application.**

Our Highway Design Department will be contacting the City in the coming weeks regarding the required design submittal documentation as mentioned in Section B-4 of the agreement.

If you have specific questions regarding the above, please contact June Gauss, Sr. Project Manager at (216) 348-3888 or by email at jgauss@cuyahogacounty.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nichole English".

Nichole English, Chief Planning and Programming Administrator
Department of Public Works

Enclosures – as noted

cc:

CCDPW: M. Dever, T. Sotak, C. George, A. Stoll, Project No. 1370
Oakwood Village: Hren, Haba, Thompson