

ORDINANCE NO. 10-04 AC CMS

AN ORDINANCE AUTHORIZING THE CITY OF OBERLIN TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF THE PARK STREET BRIDGE IN OBERLIN, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio has identified the need to replace the Park Street Bridge over Plum Creek located between Vine Street and East College Street in the City of Oberlin.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the replacement of the Park Street Bridge in the City of Oberlin is further identified by the Ohio Department of Transportation by the project name LOR Park Street Bridge and the PID No. 83140.

SECTION 2. Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION 3. The City shall cooperate with the Director of Transportation in the above described project as follows:

1. The City agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs, environmental studies costs and right of way costs.
2. ODOT agrees to assume and bear eighty percent (80%) of the bridge construction and construction engineering costs for the project from the ODOT Municipal Bridge Program.
3. The City agrees to assume and bear twenty percent (20%) of the bridge construction and construction engineering costs for the project.
4. The City further agrees to pay One Hundred Percent (100%) of the cost of items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project.

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;

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 hold said right-of-way inviolate for public highway purposes.

SECTION 5. 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 6. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

“to promote safety by expediting the replacement of the Park Street bridge”,

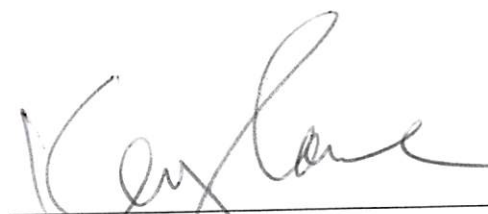
and shall take effect immediately upon passage.

PASSED: 1st Reading – January 19, 2010 (S, E)
2nd Reading -
3rd Reading -

ATTEST:



BELINDA B. ANDERSON
CLERK OF COUNCIL



KENNETH SLOANE
PRESIDENT OF COUNCIL

POSTED: 01/20/2010

EFFECTIVE DATE: 01/19/2010

PID No. 83140

Project Name LOR Park Street Bridge

CERTIFICATE OF COPY
STATE OF OHIO

City of Oberlin of Lorain County, Ohio

I, Belinda Anderson, as Clerk of the City of Oberlin of Lorain County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Ordinance 10-04 adopted by
(Ordinance/Resolution)

the legislative Authority of the said City of Oberlin on this 19th day of January, 2010,

that the publication of such Ordinance 10-04 has been made and certified of record according to
(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such Ordinance 10-04 have been taken;
(Ordinance/Resolution)

and that such Ordinance 10-04 and certificate of publication thereof are of record in
(Ordinance/Resolution)

_____, Page _____
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official

seal, if applicable, this 22nd day of January, 2010,

Belinda B. Anderson

Clerk Signature

City of Oberlin of Lorain County,

(SEAL)
(If Applicable)

Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Oberlin of Lorain County, Ohio

Attest: My Bann

[Signature]
Contractual Officer

Date 1/22/10

For the State of Ohio

Attest: _____

_____, Date _____

Director, Ohio Department of Transportation