

ORDINANCE NO. 37- 2023

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE LAK IR 090/SR 528 SIGNALS PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation (“ODOT”) is undertaking the LAK IR 090/SR 528 Signals project (PID No. 117898), described as follows:

Installation of two (2) new traffic signals at the IR-90/SR 528 Interchange in the Village of Madison. Work will include all necessary signing, striping, and signalization to provide a continuous left turn lane and shoulder improvements to push back barriers on the inside of truck turns. SR-528 SB free-flow movement to I-90 WB will become signalized.

WHEREAS, the Village of Madison (hereinafter the “LPA”) desires and intends to participate with ODOT in this Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE AND STATE OF OHIO:

SECTION 1. Consent. That the Project is hereby determined to be in the public interest and the LPA does hereby give consent to the Director of Transportation to complete the above-described Project as detailed in the LPA-ODOT-Let Agreement.

SECTION 2. Cooperation Statement. That the LPA shall cooperate with the Director of Transportation in the development and construction of the above-described Project and shall enter into an 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 assume and contribute the entire cost and expense of the improvement. The LPA agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way, environmental documentation, actual construction of the transportation project improvement, and construction engineering/inspection activities.

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 install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION 3. Authority to Sign. That that Mayor is hereby authorized to enter into and execute on behalf of the LPA all 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 Madison Village to ODOT arising from any 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 4. Utilities and Right-of-Way Statement. That 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.

SECTION 5. Maintenance. That 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.

Upon completion and final acceptance of the Project, ODOT shall assume ownership and maintenance responsibility for the traffic signals at both ramp terminals with IR-90 eastbound and westbound at SR-528. The signals shall operate under the jurisdiction of ODOT, including the phasing and timing as provided by Ohio Revised Code (R.C.) § 4511.10.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and 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 § 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 peace, health, safety and welfare of the inhabitants of the Village of Madison, and, for the further reason that immediate passage is necessary to meet contractual deadlines necessary to timely completion of public infrastructure necessary to the public health and safety, it shall, therefore, take effect and be in full force from and upon its adoption if adopted by the affirmative vote of at least four members of Council and otherwise at the earliest time provided by Ohio law.




Mark V. Vest,
President of Council

PASSED:

1st Reading: 10-23-2023

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:

Date: 10/23/2023



Sam Britton, Jr.,
Mayor