

## ORDINANCE NO. 141-23

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER, ON BEHALF OF THE CITY OF CONNEAUT, OHIO (LPA), TO ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PID NO. 119471, AS FURTHER DESCRIBED BELOW, AND DECLARING AN EMERGENCY.

### PRELIMINARY PARTICIPATORY LEGISLATION

RC 5521.01

Ordinance/Resolution# 141-23

PID No. 119471

County/Route/Section ATB Old Main St Bridge

The following is an Ordinance enacted by the City of Conneaut of Ashtabula County, Ohio, hereinafter referred to as the Local Public Agency (LPA).  
(An Ordinance/a Resolution) (Local Public Agency)

#### SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Replace bridge SFN 0461253 Old Main St over Conneaut Creek in the City of Conneaut.

NOW, THEREFORE, be it ordained by the City of Conneaut of Ashtabula County, Ohio.  
(LPA)

#### SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

#### SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to participate in the cost of construction within the city limits at 100% less any Federal funds (with a 5% local match) applied to the project.

The LPA further agrees to pay One Hundred Percent (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.

(Optional-if required) The LPA further agrees to pay One Hundred Percent (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 IV - Maintenance**

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 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 V - Authority to Sign**

The City Manager of said City of Conneaut is hereby empowered on behalf of the City of Conneaut to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above-described project.

Upon the request of ODOT, the City Manager is also empowered to assign all rights, title, and interests of the City of Conneaut 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.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA 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 LPA 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 VI.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code

**SECTION VII.** This Ordinance is hereby declared an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed this 11 day of DEC, 2023.

John J. Aronow  
President of Council

ATTEST:

Jeannette  
Clerk of Council

CERTIFICATE OF COPY  
STATE OF OHIO

Conneaut of Ashtabula County, Ohio,  
(LPA)

Jennifer Hoover, as Clerk of the Conneaut  
(LPA)

of Ashtabula County, Ohio, do hereby certify that the forgoing is a true and  
correct copy of Ordinance No. 141-23 adopted by the legislative Authority of the said  
(Ordinance/Resolution)

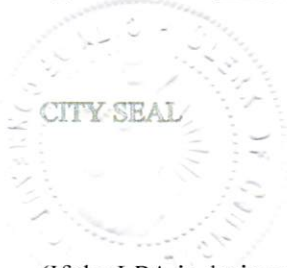
Conneaut on the 11 day of December, 20 23  
(LPA)

that the publication of such Ordinance No. 141-23 has been made and certified of  
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such  
Ordinance have been taken; and that such Ordinance

(Ordinance/Resolution) (Ordinance/Resolution)  
and certificate of publication thereof are of record in \_\_\_\_\_ Page \_\_\_\_\_  
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if  
applicable, this 11 day of December, 2023.



Jennifer Hoover  
Clerk

Conneaut of Ashtabula County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No  
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.  
For the Conneaut of Ashtabula County, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_

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For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation