

RESOLUTION NO. 2024-10-13

**A RESOLUTION
AUTHORIZING THE MAYOR TO CONSENT TO THE
ADOPTION OF PRELIMINARY LEGISLATION TO
REPLACE THE DECK OF THE KING MEMORIAL ROAD
BRIDGE IN THE VILLAGE OF KIRTLAND HILLS, AND
DECLARING AN EMERGENCY.**

WHEREAS, the State of Ohio has determined the need to replace the deck of the King Memorial Bridge over IR-90 (LAK-90-11.51 Bridge SFN 4304233) in the Village of Kirtland Hills (“Project”); and

WHEREAS, the State of Ohio will bear one hundred percent (100%) of all of the costs of the Project; and

WHEREAS, the Village of Kirtland Hills agrees to pay hundred percent (100%) of the cost of any features it has requested, that the State and Federal Highway Administration has determined are not necessary; and

WHEREAS, upon completion of the Project, unless otherwise agreed, Kirtland Hills Village shall provide adequate maintenance of the Project, provide ample financial provisions, as necessary, maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
VILLAGE OF KIRTLAND HILLS, COUNTY OF LAKE, STATE OF OHIO:**

SECTION 1. That the Mayor is hereby authorized to enter into an agreement with the Ohio Department of Transportation, in the consent form which is marked as Exhibit “A”, attached hereto, and made a part hereof by incorporation.

SECTION 2. That the Clerk-Treasurer be and she hereby is authorized and directed to certify a copy of the Resolution and to transmit the same, along with a copy of said Consent Form, duly certified by her, to the Director of the Ohio Department of Transportation, as provided by law.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Village of Kirtland Hills, and further for the reason to expedite the highway project and promote highway safety; wherefore, this Resolution shall take effect and be in force from and immediately upon its adoption.

ADOPTED

October 14 2024

John E. Tuel
MAYOR

ATTEST:

Benn Sherk
CLERK/TREASURER

10/2/2024

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(CONSENT)

Ordinance/Resolution # : 2024-10-13

PID No. : 111004

County/Route/Section : LAK IR 090 11.51 Deck

The following is a **Resolution** _____ enacted by the **Village of Kirtland Hills** of Lake
(Motion/Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

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

Replace the deck of the King Memorial Road bridge over IR-90 (LAK-90-11.51 Bridge SFN 4304233) in the Village of Kirtland Hills.

NOW THEREFORE, be it ordained by the **Village of Kirtland Hills** of Lake 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 as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA 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.

SECTION IV Authority to Sign

The LPA hereby authorizes **Mayor John F. Turben** of said **Kirtland Hills Village** to
(Signature authority) (LPA-or its division, department or agency)
enter into and execute 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 of Kirtland Hills is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the Village of Kirtland Hills 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 V – Utilities and Right-of-Way Statement

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.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

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.

SECTION VII-Emergency measure
(as applicable)

The Resolution is hereby declared to be an emergency measure to expedite the highway project 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: October 14, 2024.
(Date)

Attested: [Signature]
(Clerk)

John F. Turben, Mayor
(Contractual Agent of LPA – title)
[Signature]

10/2/2024

PID No.: 111004

**CERTIFICATE OF COPY
STATE OF OHIO**

Village of Kirtland Hills of Lake County, Ohio
(LPA)

I, Bernice Schreiber, as Clerk of the **Village of Kirtland Hills**
(LPA)
of Lake County, Ohio, do hereby certify that the foregoing is a true and correct copy of
resolution adopted by the legislative Authority of the said
(Motion/Ordinance/Resolution)

Village of Kirtland Hills on the 14 day of October, 2024.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this 14 day of October, 2024.

SEAL

Bernice Schreiber
(Clerk)

Village of Kirtland Hills of Lake 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.)