

**ORDINANCE NO. 2015-73  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE PROVIDING THE CONSENT OF THE CITY OF LYNDHURST TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE BRAINARD/CEDAR SAFETY UPGRADING PROJECT, EXPRESSING ITS INTENTION TO COOPERATE IN THE DESIGN AND CONSTRUCTION OF SAID PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO ALL AGREEMENTS NECESSARY TO INITIATE AND COMPLETE SAID PROJECT, AND DECLARING AN EMERGENCY**

**PRELIMINARY LEGISLATION  
RC 5521.01**

The following is an ordinance enacted by the City of Lyndhurst, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**SECTION I - Project Description**

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

**Widen Brainard Road from the IR-271 northbound exit to Cedar Road/Brainard Road to Falkirk Road and improve the signal capacity at Brainard Road as part of the State project to reduce the queue lengths at the IR-271 northbound exit to Cedar Road/Brainard Road in the Cities of Lyndhurst and Pepper Pike.**

NOW THEREFORE, be it ordained by the Council of the City of Lyndhurst, Ohio.

**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 entire cost and expense of this improvement will be provided by the Department. No financial participation will be required by the LPA.**

**The LPA 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.**

**SECTION IV - Utilities and Right-of-Way Statement**

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA 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 V - Maintenance**

The LPA shall maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

**SECTION VI - Authority to Sign**

The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: \_\_\_\_\_, 2015  
Date

Attested: \_\_\_\_\_  
Clerk Mayor

Attested: \_\_\_\_\_  
Title: Vice Mayor

This ordinance is hereby declared to be 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: September 8, 2015

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE-MAYOR**

ATTEST: \_\_\_\_\_  
*Clerk of Council*

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on September 17, 2015 and September 24, 2015.

\_\_\_\_\_  
*Clerk of Council*

First Reading: September 8, 2015

Second Reading: Suspended

Third Reading: Suspended

**CERTIFICATE OF COPY  
STATE OF OHIO**

The City of Lyndhurst, Cuyahoga County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Lyndhurst, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Lyndhurst on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, that the publication of such ordinance has been made and 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 \_\_\_\_\_, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Clerk  
City of Lyndhurst, Ohio

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

For the City of Lyndhurst, Ohio

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

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For the State of Ohio

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