

*fully executed*

## ORDINANCE NO. 78-14

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE PRELIMINARY LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE COMPLETION OF THE US 42 IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

- SEC. 1:** That the Mayor be and is hereby authorized and directed to execute a Preliminary Legislation Agreement with the Ohio Department of Transportation (ODOT) for the completion of the US 42 Improvement Project.
- SEC. 2:** That a copy of said Preliminary Legislation Agreement is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 3:** That it is 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 and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the deadline to execute this legislation is May 28, 2014; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** May 12, 2014

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** May 13, 2014

**SIGNED:** Dennis Hanwell  
Mayor

**PRELIMINARY LEGISLATION**

Ordinance/Resolution No. 78-14  
PID No. 92954  
Project Name MED US 0042 17.68

The following Ord. 78-14 enacted by the City of Medina of Medina County, Ohio,  
(Ordinance/Resolution)  
hereinafter referred to as the City, in the matter of the stated described project.

**SECTION I - Project Description**

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

*This project consists of widening and safety improvements for approximately 1.44 miles of US 42 from South of Harding Street to 950 ft south of Fenn Road and tie into associated local cross streets. The construction includes pavement widening, sidewalks, multi-use path, raised median, traffic control, traffic signals, lighting, water line replacement and drainage improvements.*

Construction is tentatively scheduled to begin in calendar year 2016 and be completed in 2017.

NOW THEREFORE, be it ordained by the City of Medina of Medina County, Ohio.

**SECTION II - Consent Statement**

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

**SECTION III - Cooperation Statement**

The City shall cooperate with the Director of Transportation, for the portion of this project within the Medina Corporation limit, as follows:

- 1) *The city agrees to assume and bear a fixed cost of \$1,100,000 for the Construction costs which include Construction and Construction Engineering.*

**SECTION IV - Maintenance**

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 V - Utilities and Right-of-Way Statement**

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

Passed: May 12, 2014.  
(Date)

Attested: Kathy Pattot  
(Clerk)

Do Hanover, Mayer  
(Officer of City - title)

Attested: Clerk of Council  
(Title)

[Signature]  
(President of Council)

This Ord. 78-14 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.  
(Ordinance/Resolution)

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Medina of Medina County, Ohio

I, Kathy Patton, as Clerk of the City of Medina of Medina County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Ord. 78-14 adopted by  
(Ordinance/Resolution)

the legislative Authority of the said City of Medina on this 12<sup>th</sup> day of May, 2014,

that the publication of such Ord. 78-14 has been made and certified of record according to  
(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such Ord. 78-14 have been taken;  
(Ordinance/Resolution)

and that such Ord. 78-14 and certificate of publication thereof are of record in  
(Ordinance/Resolution)

2014, Page 78.  
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 12<sup>th</sup> day of May, 2014.

(SEAL)  
(If Applicable)

Kathy Patton  
Clerk Signature  
City of Medina of Medina County, Ohio.

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

For the City of Medina of Medina County, Ohio

Attest: Mayor Dr. Harwell, Date 5-13-14  
Dennis Harwell Contractual Officer  
MAYOR

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For the State of Ohio

Attest: July A. Platto, Date 5-20-14  
Jerry Wherry  
Director, Ohio Department of Transportation  
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