

EMERGENCY

City of Cincinnati

JRS

An Ordinance No. _____

EESW/PKH

- 2023

AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation and the City of Cheviot in order to facilitate the completion of various pedestrian improvements at the southeast quadrant of the intersection of Harrison Avenue and Higbee Street in the City of Cincinnati in connection with the Ohio Department of Transportation's and the City of Cheviot's roadway improvement project along the Harrison Avenue corridor.

WHEREAS, the City is the owner of certain public rights-of-way located at the southeast quadrant of the intersection of Harrison Avenue and Higbee Street in the City of Cincinnati at which the Ohio Department of Transportation ("ODOT") and the City of Cheviot ("Cheviot") intend to make improvements to increase pedestrian safety in connection with ODOT's and Cheviot's sponsored project along the Harrison Avenue corridor (PID No. 114697) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio or Cheviot shall provide 100% of the eligible cost of the Project; and

WHEREAS, ODOT requested all necessary rights of way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the Commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for Cheviot to maintain some aspects of the Project and for the City to continue its existing maintenance responsibilities for the rights-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation (“ODOT”), on behalf of the State of Ohio, and the City of Cheviot (“Cheviot”) to facilitate the implementation of improvements to City rights-of-way to increase pedestrian safety at the southeast quadrant of the intersection of Harrison Avenue and Higbee Street in the City of Cincinnati in connection with ODOT’s and Cheviot’s roadway improvement project along the Harrison Avenue corridor (PID No. 114697) (the “Project”).

Section 2. That the State of Ohio and Cheviot will assume and bear 100% of the cost of the improvements proposed as part of the Project.

Section 3. That Cheviot shall assume and bear 100% of the maintenance costs for the Rectangular Rapid-Flashing Beacon signage and other items as agreed to for the Project and enter an agreement with the City for such maintenance costs and expenses.

Section 4. That the City shall bear 100% of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 5. That the City agrees to make available to ODOT and Cheviot all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 6. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project and ODOT shall provide written notice to the City, which shall process such

as needed and contribute the City's share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 7. To the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection with the Project; (3) to the extent required by state and federal law, maintain the right-of-way and keep it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 8. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, ODOT-prequalified consultants, or Cheviot as necessary to complete and maintain the Project in accordance with the terms of this ordinance.

Section 9. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 10. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with Cheviot and the Director of ODOT to facilitate the Project.

Section 11. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the City Administration to move forward with the necessary

agreements and project details to ensure the Project meets deadlines and the pedestrian safety improvements are realized and implemented at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk