

RECORD OF ORDINANCES

Ordinance No. 2021-17Passed MARCH 3, 2021

SPONSOR: STREEETS COMMITTEE

AN ORDINANCE GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATE LIMITS, TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS, AND TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.

WHEREAS, the Director of Transportation, under Section 5521.01 of the Revised Code of Ohio, is authorized upon request and approval of the Village to maintain, repair and apply standard longitudinal pavement marking lines and to erect regulatory and warning signs, as defined in the manual adopted under section 4511.09 of the Revised Code on any section of a State Highways within the corporate limits of a village; and,

WHEREAS, the Director of Transportation, under Section 5501.41 of the Revised Code of Ohio, may, upon consent of the Village, remove snow and ice and use snow and ice control material on State Highways within the corporate limits of a Village pursuant to a written agreement to be entered into between the Village and the Department of Transportation of the State of Ohio; and,

WHEREAS, the Director of Transportation, under Section 5511.01 of the Revised Code of Ohio, may, upon the consent of the Village, perform maintenance and/or repair on the State Highways within the corporate limits of the Village pursuant to a written agreement to be entered into between the Village and the Department of Transportation of the State of Ohio; and,

WHEREAS, State Highway No. 532 lies within the Village of Mogadore, Summit and Portage Counties; and,

WHEREAS, the work proposed to be authorized under this Ordinance shall be restricted to the application, maintenance and repair of standard longitudinal pavement markings and the erecting of regulatory and warning signs, and may include if an Agreement is entered into, the removal of snow and ice and the use of snow and ice control material on State Highways within the corporate limits of Village but shall not include the removal of snow and ice and the use of snow and ice control material on driveways, parking areas, and intersecting roads and streets, and, may include if an Agreement is entered into, the maintenance and/or repair of the State Highways within the corporate limits of the Village; and,

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WHEREAS, this Ordinance shall not relieve or discharge the Village from responsibility for emergency repair of signs installed by the Department of Transportation; and,

WHEREAS, this Ordinance shall not relieve or discharge the Village from any claim or claims of any nature arising from, or growing out of, the work by the Department of Transportation of the State of Ohio on said highways in the Village, and the Village shall save the State of Ohio harmless from any and all such claims; and,

WHEREAS, this Ordinance is not intended to and shall not supersede any section of the Ohio Revised Code pertaining to the responsibilities of the Village and the Department of Transportation regarding any other maintenance and repair.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio, as follows:

SECTION 1: It is hereby declared to be in the public interest that the Village's consent be and is hereby given to the Department of Transportation of the State of Ohio ("ODOT") for said Department to apply standard longitudinal pavement markings, and to erect regulatory and warning signs on said State Highways in accordance with the standard practices of the ODOT.

SECTION 2: It is hereby declared to be in the public interest that the Village's consent be and is hereby given to the ODOT, if an agreement is entered into, for said Department to remove snow and ice and use snow and ice control material on any State Highways listed in the agreement in accordance with the standard practices of the ODOT.

SECTION 3: It is hereby declared to be in the public interest that the Village's consent be and is hereby given to the ODOT, if an agreement is entered into, for said Department to perform certain maintenance and/or repair on any State Highways listed in the agreement in accordance with the standard practices of the ODOT.

SECTION 4: That the Mayor is hereby authorized to enter into any agreement with ODOT for the removal of snow and ice and the use of snow and ice control material on said State Highways within the corporate limits of the Village and any agreement with ODOT for certain maintenance and/or repair including the planning of lines and signs, of the State Highways within the corporate limits of the Village.

SECTION 5: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

SECTION 6: That the Clerk-Treasurer is hereby directed to furnish the Director of Transportation and the Summit County Executive's office, with a certified copy of this Ordinance immediately upon approval and execution.

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SECTION 7: That this Ordinance shall take effect and be in force at the earliest time allowed by law.

Michael Raddel 3-3-21
President of Council Date

Michael 3-3-21
Mayor Date

ATTEST:

Bob V.
Clerk - Treasurer

ACCEPTED AND APPROVED by the Ohio Department of Transportation

_____, Director of Transportation

Date: