

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2026-**54**

Introduced By: Mr. Bortolotto
Co-Sponsors: Mr. Meany, Mr. Ference

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
CUYAHOGA COUNTY (the "COUNTY") FOR THE RESURFACING OF WEST
130TH STREET FROM SPRAGUE ROAD TO BAGLEY ROAD (WEST SIDE ONLY)
AND DECLARING AN EMERGENCY**

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

Resurfacing of West 130th Street from Sprague Road to Bagley Road (West Side Only) in the City of Middleburg Heights (the "Project").

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: COOPERATION

1. The COUNTY and the MUNICIPALITY will cooperate in the completion of the Project.
2. The MUNICIPALITY will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.
3. The MUNICIPALITY will arrange for the supervision and administration of the construction contract.
4. The COUNTY will review the construction plans, estimate, specifications and bid proposal for conformance with section A-2 of this Agreement. The MUNICIPALITY shall not advertise the construction contract until the COUNTY has approved these documents. The COUNTY will inspect the completed Project to ensure the MUNICIPALITY's compliance with the terms of this agreement.
5. The MUNICIPALITY shall provide the COUNTY with a complete set of as-built plans upon the completion of the Project.

Section 2: FUNDING

1. The MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the Project by using an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY's portion of the project.
2. The COUNTY shall contribute fifty percent (50%) of the unfunded portion of the actual cost of construction, construction engineering, construction administration, and construction inspection, subject to the COUNTY's determination that the costs are eligible for reimbursement pursuant to the Cuyahoga County Engineer's policies up to a maximum of \$250,000.00.

3. In the event MUNICIPALITY secures additional funding for the Project, the COUNTY's financial contribution will be reduced accordingly. In no event shall the COUNTY's financial contribution exceed fifty percent (50%) of the portion of the approved Project costs for which there is no supplemental funding.

Section 3: MAINTENANCE

Upon completion of the Project, the Parties' respective maintenance obligations shall be as follows:

1. The MUNICIPALITY will maintain the resurfacing in accordance with the provisions of all applicable statutes and will make ample financial provisions for such maintenance.
2. The MUNICIPALITY will maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits.
3. The COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Project in accordance with the applicable sections of the Ohio Revised Code.
4. The Municipality shall follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

Section 4: TRAFFIC

The Parties agree to the following with regard to traffic on the improved roadway or highway upon completion of the Project:

1. The MUNICIPALITY will keep the highway open to traffic at all times.
2. The MUNICIPALITY will place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Project in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
3. The street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
4. Unwarranted regulatory signage within the Project area must be removed. In order to install a "Four-way-Stop" at the intersection of the improved street or highway, a traffic study must be performed by the MUNICIPALITY to verify that it is warranted in accordance with the manual.
5. The MUNICIPALITY will not enact any rule or regulation that restricts the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway and shall rescind any existing rule or regulation that so restricts the road usage.
6. The MUNICIPALITY shall prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

Section 5: RIGHT-OF-WAY

1. The MUNICIPALITY shall make available for the Project all existing street and public right-of-way within the MUNICIPALITY that is necessary for the Project.
2. The MUNICIPALITY will arrange for the acquisition of any additional right-of-way which may be required for the construction of the Project.

Section 6: PEDESTRIAN FACILITIES

1. The MUNICIPALITY shall upgrade all existing ADA deficient curb ramps within the Project area to conform to the most current ADA regulations and standards.
2. If the MUNICIPALITY wishes not to replace any ADA deficient curb ramps within the Project area, the MUNICIPALITY shall provide acceptable justification to the COUNTY in advance for the COUNTY's approval.

Section 7: UTILITIES

1. The MUNICIPALITY will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the Project, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of Project and said companies have agreed to make such necessary arrangements immediately after notification by said MUNICIPALITY.
2. The COUNTY will participate in the cost of alterations of governmentally owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. The MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Project.
4. The construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the Project, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

Section 8: MISCELLANEOUS

1. If the MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Project), alternate bid items, or other items in the Project that are in addition to those now existing and not provided for elsewhere in this Agreement, the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision.
2. The MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections E-1, E-2, and G-1, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certification or obligations made or agreed to in said Sections E-1, E-2, and G-1 hereinabove.
3. For matters relating to this Project, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.
4. The MUNICIPALITY agrees to make all pertinent contractual books and records and other documents pertaining to the Project available to the COUNTY and its designated agents for purpose of audit and examination upon reasonable request.
5. By entering into this agreement, the MUNICIPALITY agrees to conduct this transaction by electronic means by agreeing that all documents requiring COUNTY signatures may be executed by

electronic means, and that the electronic signatures affixed by the COUNTY to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

Section 9: It is hereby 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 actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 10: That this Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 9-22-26

David Bortolotto
President of Council

Attest: M. Meola
Clerk of Council

Approved On: 9-23-26

Presented to Mayor: 9-23-26

Matthew Lustig
Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Zakel	<u>ABSENT</u>	_____

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2026-54 adopted by the Council of the City of Middleburg Hts., on 9/22/26 was posted for a period of fifteen days, beginning 9/23/26 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2026-54 passed on the 22nd day of September 2026 by said Council.

Mary Ann Meola
Clerk of Council