

RESOLUTION NO. 1979- 294

AUTHORIZING THE GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY'S COOPERATION WITH THE
DIRECTOR OF TRANSPORTATION IN REPLACING THE
EAST 116th STREET BRIDGE.

WHEREAS, the public interest demands the improvement of a portion of public highway situated in the County of Cuyahoga, State of Ohio, and described as follows:

Reconstruction of the East 116th Street Bridge over the Shaker Rapid Transit tracks at Shaker Blvd. within the City of Cleveland.

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

SECTION 1

That it is declared to be in the public interest that the consent of Greater Cleveland Regional Transit Authority be and such consent is hereby given to the Director of Transportation to construct the above described improvement in accordance with plans, specifications and estimates as approved by the Director.

SECTION 2

That the Greater Cleveland Regional Transit Authority hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows:

(A) By assuming and contributing the entire cost and expense of the project less the amount of Federal Aid Highway Funds set aside for the financing of this project from funds allocated to the State by the Federal Highway Administration, U.S. Department of Transportation. In addition, the Greater Cleveland Regional Transit Authority agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering.

(B) The Greater Cleveland Regional Transit Authority further agrees to deposit with the State the Greater Cleveland Regional Transit Authority estimated share of the cost of the improvement before the State is obligated to advertise for bids for the work. When the work is completed and accepted the State shall prepare a statement showing the total cost of the work and the amount to be paid by the Greater Cleveland Regional Transit Authority. Copies of the statement shall be forwarded to the Greater Cleveland Regional Transit Authority along with a voucher for any overpayment on deposit or an invoice for any amount to be paid by the Greater Cleveland Regional Transit Authority over and above the deposit. The Greater Cleveland Regional Transit Authority shall reimburse the State for any amount due within thirty (30) days after receipt of an invoice from the State.

SECTION 3

That upon completion of said improvement, said Greater Cleveland Regional Transit Authority will thereafter keep said Highway open to traffic at all times, and:

- (A) Maintain the improvement in a manner and condition satisfactory to the State and make ample financial and other provisions for such maintenance, and,
- (B) Maintain the right-of-way and keep it free of obstructions 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.

SECTION 4

- (A) That all existing street and public way right-of-way within the Greater Cleveland Regional Transit Authority which is necessary for the aforesaid improvement shall be made available therefor.
- (B) That the Greater Cleveland Regional Transit Authority will acquire any additional right-of-way required for the construction of the aforesaid improvement in accordance with applicable State and Federal regulations and instructions given by the State.
- (C) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvements and said companies have agreed to make such necessary rearrangements immediately after notification by said Greater Cleveland Regional Transit Authority.
- (D) That it is hereby agreed that the Greater Cleveland Regional Transit Authority shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive 28-A, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (E) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (C) and (D) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (F) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (G) That said Greater Cleveland Regional Transit Authority hereby agrees that the said Department of Transportation of the State of Ohio, shall be and is hereby saved harmless from any and all damages or claims thereof arising from or growing out of the certification or obligations made or agreed to in Sections (A), (B), (C), (D) and (E) hereinabove.

SECTION 5

That the General Manager of said Greater Cleveland Regional Transit Authority, is hereby empowered and directed on behalf of the Greater Cleveland Regional Transit Authority to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION 6

That this resolution shall become effective immediately upon its adoption.

Adopted: October 23, 1979

President

Attest: *William C. Schuler*
Secretary-Treasurer