

RESOLUTION NO. 1992 - 64

AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO ENTER INTO A COOPERATION AGREEMENT WITH THE DIRECTOR OF TRANSPORTATION, OHIO DEPARTMENT OF TRANSPORTATION, FOR THE IMPROVEMENT OF THE AUTHORITY'S BRIDGES OVER EAST 75TH STREET AND EAST 79TH STREET.

WHEREAS, the Greater Cleveland Regional Transit Authority has identified the need for and proposes the improvement of the public highway which is described as follows:

Replace the GCRTA bridges over East 75th Street and East 79th Street located between Colfax Road and Holton Avenue in the City of Cleveland.

said portion of highway within the municipal corporation limits of the City of Cleveland being hereinafter referred to as the improvement, and

WHEREAS, the Greater Cleveland Regional Transit Authority further desires cooperation from the Director of Transportation in the planning, design, and construction of said improvement.

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

Section 1. (Cooperation)

That the Greater Cleveland Regional Transit Authority hereby requests the cooperation of the Director of Transportation in the cost of the above described improvement as follows:

The Greater Cleveland Regional Transit Authority does hereby agree to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation and less the amount of Ohio Public Transportation Grant Program funds determined to be eligible and set aside for the financing of the improvement. The Greater Cleveland Regional Transit Authority will provide preliminary engineering and right-of-way at entirely its own expense.

In addition, the Greater Cleveland Regional Transit Authority agrees to assume and bear one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the Greater Cleveland Regional Transit Authority, which is determined by the Director not to be part of or made necessary by the improvement.

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Section 2. (Consent)

That it is declared to be in the public interest that the consent of said 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 3. (Authority to Sign)

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 4. (Traffic Control Signals and Devices)

That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

Section 5. (Maintenance and Parking)

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

- (a) Maintain the bridge structure in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and
- (b) Keep the right-of-way free of obstructions placed by it to the satisfaction of the State of Ohio 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 6. (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefore.
- (b) That the Greater Cleveland Regional Transit Authority will acquire any additional right-of-way required for the construction of the aforesaid improvement.

- (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 improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said Greater Cleveland Regional Transit Authority or the Department of Transportation.
- (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 DH-P-411 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 to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the Greater Cleveland Regional Transit Authority's obligations made or agreed to in Sections (a), (b), (c), (d), (e), and (f) hereinabove. Likewise the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e), and (f) hereinabove.

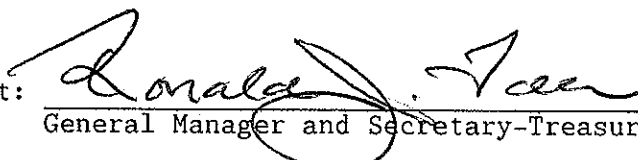
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This resolution shall become effective immediately upon its adoption.

Adopted: April 28, 1992.



President

Attest: 

General Manager and Secretary-Treasurer