



Legislation Text

File #: O-106-20, Version: 1

DPU031020CONSENTLEGISLATIONMETROPARKSBYRNEROAD

Engineering Services

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(Revised)

Authorizing the mayor to enter into and execute cooperative agreements between the City of Toledo and the Metropolitan Park District of the Toledo Area and to give consent to the Metropolitan Park District of the Toledo Area for construction of a bike path on Byrne Road from the bridge over Swan Creek to Arlington Avenue within the city limits; and declaring an emergency.

SUMMARY & BACKGROUND:

The Metropolitan Park District of the Toledo Area (Toledo Metroparks) will be constructing a bike path within Swan Creek Park that ends at the city right of way at Byrne Road. This is part of the Swan Creek Trail that is in the City's adopted 2015 Bike Plan. The trail is supposed to continue and connect to the already constructed portion along Arlington Avenue. The connection piece between the two sections would be an approximately 500' bike path along Byrne Road. The city has worked with the Metroparks to have them include in their plans the design and construction of the Byrne Road section that is within the City of Toledo Limits. This project is scheduled to construct in 2020.

The Metropolitan Park District of the Toledo Area will administer the design and construction of the project with Metroparks' funding and is paying for 100% of the construction outside of the city limits. The City of Toledo will participate in the costs by paying for 100% of the portion that is within the city limits, to be paid for with Matches and Planning funds.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: none
- The expenditure budget line item: none
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? n/a
- Is this a capital project (yes/no)? n/a
- If yes, is it new or existing (new/existing)? n/a
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) no
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) no
 - o Environment (yes/no) no

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to enter into and execute cooperative agreements between the City of Toledo and the Metropolitan Park District of the Toledo Area for the construction of a bike path on Byrne Road from the bridge over Swan Creek to Arlington Avenue.

SECTION 2. That the City of Toledo gives consent to and shall cooperate with the Metropolitan Park District of the Toledo Area, in connection with the above project as follows:

1. The City of Toledo agrees to assume and contribute the entire cost and expense of the construction of the project within the City of Toledo limits, including any cost overruns. The cost of the city portion is estimated to be \$180,000.
2. The City of Toledo will assume and bear one hundred percent (100%) of the total cost of any features requested by the City of Toledo which are not necessary for the project as determined by the Metroparks.
3. The City of Toledo agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
4. The Toledo Area Metroparks agrees to be the lead agency and to administer the construction phase of the project.

SECTION 3. That the City of Toledo agrees that all existing street and public rights-of-way within the jurisdiction of the City of Toledo which is necessary for the described project shall be made available therefor. The City of Toledo further agrees that any rights-of-way acquired by said City of Toledo on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations. The City of Toledo also agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4. That, upon completion of the project, and unless otherwise agreed, the City of Toledo shall: 1) provide adequate maintenance for those portions of the project under the jurisdiction of the City of Toledo in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; 2) provide ample financial provisions, as necessary, for the maintenance of those portions of the Project under its jurisdiction; 3) maintain the rights-of-way, keeping it free of obstructions; and 4) hold said rights-of-way inviolate for public highway purposes.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective in order to permit timely construction for the above project.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor