

# Brooklyn Heights Village

345 Tuxedo Avenue  
Brooklyn Heights, Ohio 44131

Barbara J. Grzelecki  
Clerk-Treasurer

(216) 749-4300

November 12, 1991

District Deputy Director  
Ohio Department of Transportation  
District Twelve  
5500 Transportaton Blvd.  
Garfield Hts., Ohio 44131

Gentlemen:

Enclosed is a certified copy of Ordinance 72-91 entitled "AN EMERGENCY ORDINANCE GRANTING DIRECTOR OF TRANSPORTATION AUTHORITY TO MAINTAIN STATE HIGHWAYS, APPLY STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATION, AND GIVING CONSENT OF THE VILLAGE TO THE PLOWING OF SNOW AND USE OF ABRASIVES FOR ICE CONTROL UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION, STATE OF OHIO". This Ordinance was passed by the Council of the Village of Brooklyn Heights on November 6, 1991.

If you have any questions, please call me at 749-4300.

Very truly yours,

  
Barbara J. Grzelecki  
Clerk/Treasurer

BJG/br  
Encl.

ORDINANCE RECORD  
COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

Ordinance No. 72-91

By *Henry*

AN EMERGENCY ORDINANCE GRANTING DIRECTOR OF  
TRANSPORTATION AUTHORITY TO MAINTAIN STATE HIGHWAYS,  
APPLY STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT  
REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE  
VILLAGE CORPORATION, and GIVING CONSENT OF THE VILLAGE TO  
THE PLOWING OF SNOW AND USE OF ABRASIVES FOR ICE CONTROL  
UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION,  
STATE OF OHIO

WHEREAS, The Director of Transportation, under Section 5521.01, Revised Code of Ohio, is authorized to maintain, apply standard longitudinal pavement markings and erect regulatory and warning signs on extensions of State Highways within the limits of a Village and,

WHEREAS, The Director of Transportation, under Section 5501.41, Revised Code of Ohio, is also considering the matter of the plowing of snow and the placing of abrasives for ice control, under his supervision, on all extensions of State Highways within the limits of a Village, and,

WHEREAS, Extensions of State Highway No. 17 lie within the Village of Brooklyn Hts., Cuyahoga County, and

WHEREAS, The work proposed to be authorized under this ordinance shall be restricted to general maintenance of the travelled roadway surfaces, apply standard longitudinal pavement markings, erecting regulatory and warning signs, and the plowing of snow and placing of abrasives for ice control on all State Highway extensions but not including the removal of snow from driveways, parking areas, and intersecting roads and street, and,

WHEREAS, This ordinance shall in no matter relieve or discharge the Village from responsibility for emergency repair of signs installed by the Department of Transportation.

NOW, THEREFORE, Be it Ordained, by the Council of the Village of Brooklyn Hts., State of Ohio:

SECTION 1: It is hereby declared to be in the public interest that the consent of said Village be, and such consent hereby is, given to the Department of Transportation of the State of Ohio for said Department to maintain the travelled portions of, apply standard longitudinal pavement



**ORDINANCE RECORD**  
**COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS**

Ordinance No. \_\_\_\_\_

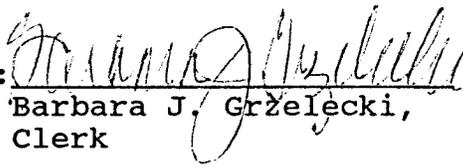
By \_\_\_\_\_

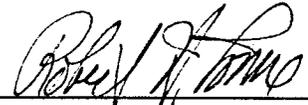
markings, erect regulatory and warning signs, and to plow snow and place abrasives for ice control on said State Highways in accordance with the standard practices of the Ohio Department of Transportation.

SECTION 2: That the Clerk be, and hereby is, directed to furnish the Director of Transportation and the Board of County Commissioners of Cuyahoga County, Ohio, with a certified copy of this Ordinance immediately upon the taking effect thereof.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Brooklyn Heights and shall be in full force and effect and after its passage.

PASSED: Resolution No. 1441

ATTEST:   
Barbara J. Grzelecki,  
Clerk

APPROVED:   
Robert Tonne,  
Mayor

**ORDINANCE RECORD**  
**COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS**

Ordinance No. 4-79

By Mr. Starbiewicz

GRANTING DIRECTOR OF TRANSPORTATION  
AUTHORITY TO MAINTAIN CENTERLINES ON  
STATE HIGHWAYS AND TO MAINTAIN STATE  
HIGHWAYS INSIDE VILLAGE CORPORATION

GIVING CONSENT OF THE VILLAGE TO THE  
PLOWING OF SNOW AND USE OF ABRASIVES  
FOR ICE CONTROL UNDER THE SUPERVISION  
OF THE DIRECTOR OF TRANSPORTATION,  
STATE OF OHIO.

WHEREAS, the Director of Transportation, under Section 5521.01, Revised Code of Ohio, is authorized to maintain and to centerline paint extensions of State Highways within the limits of a village, and,

WHEREAS, The Director of Transportation, under Section 5501.14, Revised Code of Ohio, is also considering the matter of the plowing of snow and the placing of abrasives for ice control, under his supervision, on all extensions of State Highways within the limits of a village, and,

WHEREAS, Extensions of State Highway No. 17 lie within the Village of Brooklyn Heights, Cuyahoga County, and,

WHEREAS, The work proposed to be authorized under this ordinance shall be restricted to general maintenance of the travelled roadway surfaces, centerline painting and the plowing of snow and placing of abrasives for ice control on all State Highway extensions but not including the removal of snow from driveways, parking areas, and intersecting roads and streets, and,

WHEREAS, This ordinance shall in no manner 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 and said highways in said village, and said Village shall save the State of Ohio harmless from any and all such claims,

NOW THEREFORE, Be it Ordained, by the Council of the Village of Brooklyn Heights, State of Ohio:

SECTION 1: It is hereby declared to be in the public interest that the consent of said Village be, and such consent hereby is, given to the Department of Transportation of the State of Ohio for said Department to maintain the travelled portions of, to centerline paint, and to plow snow and place abrasives for ice



I, Joseph J. Hrabnicky, Clerk of the Village of Brooklyn Heights, hereby certify that there is no English newspaper published and of general circulation with the Village of Brooklyn Heights; that in accordance with the determination of the Village Council as provided for by Ordinance No. 30-75 of said Village and in accordance with Section 731.25 of the Revised Code of Ohio, the foregoing Ordinance ~~Resolution~~ No. 4:79 . . . . . was published by posting copies thereof in five of the most public places in the Village of Brooklyn Heights as follows:

1. Corner Dorset Drive and Mural Drive
2. Utility pole corner Van Epps Road and Schaaf Lane
3. Utility pole corner Marengo Drive and Schaaf Road
4. Utility pole corner West 6th Street and Tuxedo Avenue
5. Municipal Center, 345 Tuxedo Avenue

I also certify that said publication was made for a period of fifteen days commencing on the . . . . . 7<sup>th</sup> . . . . . day of February . . . . . 1979

IN WITNESS WHEREOF, I hereto set my hand and seal of the Village of Brooklyn Heights, the 7<sup>th</sup> . . . . . day of February . . . . ., 1979

  
\_\_\_\_\_  
Joseph J. Hrabnicky

# ORDINANCE RECORD

# 34

## COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

Ordinance No. 23-68

By Mr. Padlock

AN EMERGENCY ORDINANCE GIVING CONSENT OF THE VILLAGE OF BROOKLYN HEIGHTS, CUYAHOGA COUNTY, OHIO, TO THE CONSTRUCTION, MAINTENANCE AND OPERATION OF INTERSTATE ROUTE NO. 80 AS A FREEWAY UNDER THE SUPERVISION OF THE DIRECTOR OF HIGHWAYS OF THE STATE OF OHIO AND PROPOSING TO COOPERATE WITH SAID DIRECTOR IN CERTAIN MATTERS INCIDENT THEREUNTO.

WHEREAS, the public convenience and welfare require the construction of a freeway within the Village of Brooklyn Heights, Ohio in accordance with alignment as described in a public hearing held in Cleveland, Ohio on October 14th, 1960, for the location and establishment of a limited access highway for Interstate Route No. 80 (formerly known as Interstate Route No. 271), or as the same may be modified as a result of further engineering investigation, the portion of said highway within the corporate limits of the municipality being hereinafter referred to as the FREEWAY, and

WHEREAS, the council of the Village of Brooklyn Heights, hereinafter referred to as the COUNCIL, desires to cooperate with the Director of Highways of the State of Ohio, hereinafter referred to as the STATE, in the construction, maintenance and operation of the FREEWAY.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS, OHIO:

SECTION 1. The public convenience and welfare demand the construction of the FREEWAY hereinbefore described and the COUNCIL hereby consents to the acquisition of all property and property rights and the provision of relocation advisory assistance, by the STATE or its agents, required for the FREEWAY, and further consents to the construction, maintenance and repair of such FREEWAY by the STATE subject to the following conditions:

- (a) The STATE shall bear all costs of the construction, maintenance and repair of said FREEWAY, inclusive of the furnishing of electric power for sign lighting and highway lighting.
- (b) The State shall confer with the Mayor and Village Engineer from time to time during the development of detail plans with respect to the effects on, and the alterations of, municipal streets, utilities and related facilities under the jurisdiction of the COUNCIL.
- (c) Final construction plans for the FREEWAY will be furnished to the Village before any construction contracts therefor are awarded by the STATE.
- (d) The STATE will retain all natural drainage courses in the most economical location and will further intercept and conduct other surface flow which reaches the FREEWAY to a natural outlet as may be made necessary by the construction of said FREEWAY.
- (e) The limited access portions of the FREEWAY shall be enclosed with a fence in accordance with the accepted standard practice for fencing limited access highways or freeways within urban areas.
- (f) Highway maintenance structures or rest areas to be constructed within the corporate limits of the municipality shall be at locations approved by the COUNCIL.
- (g) The FREEWAY and the eastbound entrance ramp from State Route No. 17 onto the freeway shall be constructed to underpass Tuxedo Avenue. No provision is to be made for access to the FREEWAY from Tuxedo Avenue.
- (h) The STATE shall construct a bridge over the FREEWAY in the vicinity of Graydon Drive. COUNCIL hereby commits the construction of a roadway from Granger Road (S.R. 17) to the bridge and an extension of said roadway southerly from the bridge into the portion of the Village of Brooklyn Heights south of the FREEWAY, said construction to be performed prior to

**ORDINANCE RECORD**  
**COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS**

Ordinance No. 23-68

By Mr. Pollock

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- (h) or concurrent with the construction of the FREEWAY.
- (i) The municipality is to be reimbursed by the STATE for all claims for damages determined to be just and legal, or as ordered by the Court and paid by the municipality, that may result from any change in the elevation of the present centerline of any street, road or highway within the municipality caused, occasioned, brought about or required as a result of the construction of said FREEWAY. The processing of claims for damages will be coordinated with the STATE so as to eliminate possible double payment for the same damage items.
- (j) In carrying out the proposed construction, the State of Ohio and its contractor, in case of blasting, shall observe the provisions of the blasting ordinances of the City of Cleveland, and shall work only during the period of 6:00 o'clock in the morning until 11:00 o'clock at night and shall provide a six foot link type fence on the Tuxedo-Route 17 bridge over I-80 so as to prevent persons from throwing debris thereon.

SECTION II. The COUNCIL consents to the rearrangement, without cost to the municipality, of sanitary sewers, water mains, service lines, fire hydrants, valve boxes and appurtenances thereto, or other municipally owned utilities, lying inside the corporate limits of the municipality made necessary by the construction of the FREEWAY, and the COUNCIL, prior to the award of any contract, agrees to make arrangements with or obtain agreements from any and all publicly, privately and cooperatively owned utility companies to relocate or rearrange their lines, of any nature whatsoever, which will be affected by or interfere with the construction of the FREEWAY, said lines existing in their present location by virtue of franchise or other agreements legally in effect.

SECTION III. The COUNCIL consents to the STATE'S preservation, regulation and use of the highway as a freeway, and further consents to the policing of said FREEWAY by state police forces.

SECTION IV. The COUNCIL agrees:

- (a) To enact, prior to the completion of the FREEWAY proper legislation to vacate or establish, by mutual agreement with the STATE, any streets or portions thereof within the limits of and deemed necessary for the construction and operation of the FREEWAY.
- (b) To make all existing highway right-of-way within the municipality, which is necessary for the FREEWAY, available therefor.
- (c) That the Director of Highways shall be the issuing authority for permits to use or occupy FREEWAY right-of-way and permits for the movement of oversize and overweight loads over the FREEWAY.
- (d) That traffic control lights will not be installed at the intersections of ramp terminals and the local streets without prior approval by the STATE.
- (e) To prohibit parking within the right-of-way limits of the FREEWAY and on bridge structures carrying municipal streets over the FREEWAY.
- (f) To initiate proper legislation amending its traffic code for the purpose of bringing about any changes in traffic regulations made necessary by the construction of the FREEWAY, said legislation to be enacted prior to the completion of the FREEWAY.

SECTION V. The COUNCIL WILL bear the cost, and

ORDINANCE RECORD

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

Ordinance No. 23-68

By Mr. Dollock

- (a) Maintain and repair all grade separated municipal streets, exclusive of bridge structures within the right-of-way limits of the FREEWAY.
- (b) Maintain and repair the wearing surface on bridges carrying municipal streets over the FREEWAY when such wearing surface is separate from the bridge floor slab. Changes in type or depth of wearing surface will not be permitted without prior approval by the STATE.
- (c) Remove snow and place abrasives and chemicals for ice control on all grade separated municipal streets, inclusive of bridges carrying such streets over the FREEWAY.
- (d) Maintain and repair all service roads, drainage structures, and other roadway items located outside the fenced portion of the FREEWAY.
- (e) Furnish, install, maintain and repair all signs, pavement markings and other traffic control devices on the intersecting local streets at interchanges or on overpass or underpass roadways in accordance with the Ohio Manual of Uniform Traffic Control Devices.
- (f) Maintain and repair (including furnishing electric power) highway lighting units on intersected local streets at interchanges and on overpass or underpass roadways.

SECTION VI. The Mayor is hereby authorized and directed on behalf of the COUNCIL to enter into such agreements as are necessary to carry forward the intent and purpose of this Ordinance.

SECTION VII. The Clerk of the Council is hereby directed to furnish the STATE with a certified copy of this Ordinance immediately upon its enactment; and upon the acceptance and approval of said Ordinance by the STATE, it shall become a binding agreement between the COUNCIL and the STATE.

SECTION VIII. This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting planning and construction of the FREEWAY to promote highway safety and provided it receives the affirmative vote of two thirds of the members elected to the COUNCIL it shall take effect and be in force immediately upon its passage and approval by the Mayor.

\_\_\_\_\_  
President of Council

Approved Robert D. Crank  
Mayor

Passed March 5, 1968

Attest Ruth Martini Mack  
Clerk of Council

I hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the legislative authority March 5, 1968.

Ruth Martini Mack  
Clerk

The foregoing is accepted as a basis for proceeding with the work herein described.

Attest \_\_\_\_\_  
Director, Ohio Department of Highways

District 12  
10100 Broadway  
Cleveland, Ohio 44105

January 16, 1979

Hon. Robert D. Cusick, Mayor  
Village of Brooklyn Heights  
225 Tuxedo Road  
Brooklyn Heights, Ohio 44131

Subj: Ordinance Concerning Force Account  
Centerline Painting, Surface Main-  
tenance, and Snow & Ice Control

Dear Mayor Cusick:

The Director of Transportation is authorized to perform the subject items of work in conjunction with Sections 5521.01 and 5501.14 Revised Code of Ohio.

Ordinance Numbers 1730, 1738, 1739, are now in effect for the work involved in your Village. The Department of Transportation is presently updating the Ordinances concerning subject work. Therefore enclosed please find three (3) copies of our Ordinance Form M & R - 689 which pertains to subject items of work.

This office requests that these forms be processed and that two signed and certified Ordinances be returned to:

Thomas M. Krall, Deputy Director  
Ohio Department of Transportation  
Box 05188 Newburgh Station  
Cleveland, Ohio 44105

Attention: Operations & Maintenance

Very truly yours,

Thomas M. Krall, P.E.  
Deputy Director

Robert J. Kovac, P.E.  
District Operations Engineer

---

Frank L. Belanger, P.E.  
District Maintenance Engineer

FLB:eo

cc: file ✓  
enc.

GRANTING DIRECTOR OF TRANSPORTATION  
AUTHORITY TO MAINTAIN CENTERLINES ON  
STATE HIGHWAYS AND TO MAINTAIN STATE  
HIGHWAYS INSIDE VILLAGE CORPORATION.

GIVING CONSENT OF THE VILLAGE TO THE  
FLOWING OF SNOW AND USE OF ABRASIVES  
FOR ICE CONTROL UNDER THE SUPERVISION  
OF THE DIRECTOR OF TRANSPORTATION,  
STATE OF OHIO.

WHEREAS, The Director of Transportation, under Section 5521.01, Revised Code of Ohio, is authorized to maintain and to centerline paint extensions of State Highways within the limits of a village, and,

WHEREAS, The Director of Transportation, under Section 5501.14, Revised Code of Ohio, is also considering the matter of the plowing of snow and the placing of abrasives for ice control, under his supervision, on all extensions of State Highways within the limits of a village, and,

WHEREAS, Extensions of State Highway Nos. 17  
Village of Brooklyn Heights, Cuyahoga County, and,

WHEREAS, The work proposed to be authorized under this ordinance shall be restricted to general maintenance of the travelled roadway surfaces, centerline painting and the plowing of snow and placing of abrasives for ice control on all State Highway extensions but not including the removal of snow from driveways, parking areas, and intersecting roads and streets, and,

WHEREAS, This ordinance shall in no manner 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 said village, and said Village shall save the State of Ohio harmless from any and all such claims,

NOW, THEREFORE, Be It Ordained, by the Council of the Village of Brooklyn Heights State of Ohio:

SECTION 1: It is hereby declared to be in the public interest that the consent of said Village be, and such consent hereby is, given to the Department of Transportation of the State of Ohio for said Department to maintain the travelled portions of, to centerline paint, and to plow snow and place abrasives for ice control on said State Highways in accordance with the standard practices of the Ohio Department of Transportation.

SECTION 11: That the Clerk be, and he hereby is, directed to furnish the Director of Transportation and the Board of County Commissioners of Cuyahoga County, Ohio, with a certified copy of this Ordinance immediately upon the taking effect thereof.

SECTION 111: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 19 \_\_\_\_.

Attest: \_\_\_\_\_, 19 \_\_\_\_.

Mayor

CERTIFICATE OF COPY

Village of Brooklyn Heights, )  
County of Cuyahoga, Ohio ) ss:

I, \_\_\_\_\_, as Clerk of the Village of Brooklyn Heights, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance adopted by the Council of said Village on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_; that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and the certificate of publication thereof are of record in Ordinance Record No. \_\_\_\_\_, Page \_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Clerk

Village of Brooklyn Heights, Ohio.

(SEAL)

## COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

Ordinance No. 23 18By Mike Paetzle

336 3  
334  
3097  
DATE 4.3.65

AN EMERGENCY ORDINANCE GIVING CONSENT OF THE VILLAGE OF BROOKLYN HEIGHTS, CUYAHOGA COUNTY, OHIO, TO THE CONSTRUCTION, MAINTENANCE AND OPERATION OF INTERSTATE ROUTE NO. 80 AS A FREEWAY UNDER THE SUPERVISION OF THE DIRECTOR OF HIGHWAYS OF THE STATE OF OHIO AND PROPOSING TO COOPERATE WITH SAID DIRECTOR IN CERTAIN MATTERS INCIDENT THERETO.

WHEREAS, the public convenience and welfare require the construction of a freeway within the Village of Brooklyn Heights, Ohio in accordance with alignment as described in a public hearing held in Cleveland, Ohio on October 14th, 1960, for the location and establishment of a limited access highway for Interstate Route No. 80 (formerly known as Interstate Route No. 271), or as the same may be modified as a result of further engineering investigation, the portion of said highway within the corporate limits of the municipality being hereinafter referred to as the FREEWAY, and

WHEREAS, the council of the Village of Brooklyn Heights, hereinafter referred to as the COUNCIL, desires to cooperate with the Director of Highways of the State of Ohio, hereinafter referred to as the STATE, in the construction, maintenance and operation of the FREEWAY.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS, OHIO:

SECTION 1. The public convenience and welfare demand the construction of the FREEWAY hereinbefore described and the COUNCIL hereby consents to the acquisition of all property and property rights and the provision of relocation advisory assistance, by the STATE or its agents, required for the FREEWAY, and further consents to the construction, maintenance and repair of such FREEWAY by the STATE subject to the following conditions:

- (a) The STATE shall bear all costs of the construction, maintenance and repair of said FREEWAY, inclusive of the furnishing of electric power for sign lighting and highway lighting.
- (b) The State shall confer with the Mayor and Village Engineer from time to time during the development of detail plans with respect to the effects on, and the alterations of, municipal streets, utilities and related facilities under the jurisdiction of the COUNCIL.
- (c) Final construction plans for the FREEWAY will be furnished to the Village before any construction contracts therefor are awarded by the STATE.
- (d) The STATE will retain all natural drainage courses in the most economical location and will further intercept and conduct other surface flow which reaches the FREEWAY to a natural outlet as may be made necessary by the construction of said FREEWAY.
- (e) The limited access portions of the FREEWAY shall be enclosed with a fence in accordance with the accepted standard practice for fencing limited access highways or freeways within urban areas.
- (f) Highway maintenance structures or rest areas to be constructed within the corporate limits of the municipality shall be at locations approved by the COUNCIL.
- (g) The FREEWAY and the eastbound entrance ramp from State Route No. 17 onto the freeway shall be constructed to underpass Tuxedo Avenue. No provision is to be made for access to the FREEWAY from Tuxedo Avenue.
- (h) The STATE shall construct a bridge over the FREEWAY in the vicinity of Graydon Drive. COUNCIL hereby commits the construction of a roadway from Granger Road (S.F. 17) to the bridge and an extension of said roadway southerly from the bridge into the portion of the Village of Brooklyn Heights south of the FREEWAY, said construction to be performed prior to

ORDINANCE RECORD

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

Ordinance No. 53-28

By Mr. DeWick

Page 2

- (h) or concurrent with the construction of the FREEWAY.
- (i) The municipality is to be reimbursed by the STATE for all claims for damages determined to be just and legal, or as ordered by the Court and paid by the municipality, that may result from any change in the elevation of the present centerline of any street, road or highway within the municipality caused, occasioned, brought about or required as a result of the construction of said FREEWAY. The processing of claims for damages will be coordinated with the STATE so as to eliminate possible double payment for the same damage items.
- (j) In carrying out the proposed construction, the State of Ohio and its contractor, in case of blasting, shall observe the provisions of the blasting ordinances of the City of Cleveland, and shall work only during the period of 6:00 o'clock in the morning until 11:00 o'clock at night and shall provide a six foot link type fence on the Tuxedo-Route 17 bridge over I-80 so as to prevent persons from throwing debris thereon.

SECTION II. The COUNCIL consents to the rearrangement, without cost to the municipality, of sanitary sewers, water mains, service lines, fire hydrants, valve boxes and appurtenances thereto, or other municipally owned utilities, lying inside the corporate limits of the municipality made necessary by the construction of the FREEWAY, and the COUNCIL, prior to the award of any contract, agrees to make arrangements with or obtain agreements from any and all publicly, privately and cooperatively owned utility companies to relocate or rearrange their lines, of any nature whatsoever, which will be affected by or interfere with the construction of the FREEWAY, said lines existing in their present location by virtue of franchise or other agreements legally in effect.

SECTION III. The COUNCIL consents to the STATE'S preservation, regulation and use of the highway as a freeway, and further consents to the policing of said FREEWAY by state police forces.

SECTION IV. The COUNCIL agrees:

- (a) To enact, prior to the completion of the FREEWAY proper legislation to vacate or establish, by mutual agreement with the STATE, any streets or portions thereof within the limits of and deemed necessary for the construction and operation of the FREEWAY.
- (b) To make all existing highway right-of-way within the municipality, which is necessary for the FREEWAY, available therefor.
- (c) That the Director of Highways shall be the issuing authority for permits to use or occupy FREEWAY right-of-way and permits for the movement of oversize and overweight loads over the FREEWAY.
- (d) That traffic control lights will not be installed at the intersections of ramp terminals and the local streets without prior approval by the STATE.
- (e) To prohibit parking within the right-of-way limits of the FREEWAY and on bridge structures carrying municipal streets over the FREEWAY.
- (f) To initiate proper legislation amending its traffic code for the purpose of bringing about any changes in traffic regulations made necessary by the construction of the FREEWAY, said legislation to be enacted prior to the completion of the FREEWAY.

SECTION V. The COUNCIL WILL bear the cost, and

ORDINANCE RECORD

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

Ordinance No. 23-68

By Mr. P. P. ...

- (a) Maintain and repair all grade separated municipal streets, exclusive of bridge structures within the right-of-way limits of the FREEWAY.
- (b) Maintain and repair the wearing surface on bridges carrying municipal streets over the FREEWAY when such wearing surface is separate from the bridge floor slab. Changes in type or depth of wearing surface will not be permitted without prior approval by the STATE.
- (c) Remove snow and place abrasives and chemicals for ice control on all grade separated municipal streets, inclusive of bridges carrying such streets over the FREEWAY.
- (d) Maintain and repair all service roads, drainage structures, and other roadway items located outside the fenced portion of the FREEWAY.
- (e) Furnish, install, maintain and repair all signs, pavement markings and other traffic control devices on the intersecting local streets at interchanges or on overpass or underpass roadways in accordance with the Ohio Manual of Uniform Traffic Control Devices.
- (f) Maintain and repair (including furnishing electric power) highway lighting units on intersected local streets at interchanges and on overpass or underpass roadways.

SECTION VI. The Mayor is hereby authorized and directed on behalf of the COUNCIL to enter into such agreements as are necessary to carry forward the intent and purpose of this Ordinance.

SECTION VII. The Clerk of the Council is hereby directed to furnish the STATE with a certified copy of this Ordinance immediately upon its enactment; and upon the acceptance and approval of said Ordinance by the STATE, it shall become a binding agreement between the COUNCIL and the STATE.

SECTION VIII. This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting planning and construction of the FREEWAY to promote highway safety and provided it receives the affirmative vote of two thirds of the members elected to the COUNCIL it shall take effect and be in force immediately upon its passage and approval by the Mayor.

[Signature] Approved [Signature] Mayor

Passed March 5, 1968

Attest [Signature] Clerk of Council

I hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the legislative authority March 5, 1968.

[Signature] Clerk

The foregoing is accepted as a basis for proceeding with the work herein described.

Attest [Signature]

[Signature] Director, Ohio Department of Highways



STATE OF OHIO  
DEPARTMENT OF HIGHWAYS

INTER-OFFICE COMMUNICATION

County of \_\_\_\_\_ Div. #12

S. H. \_\_\_\_\_ Sec. \_\_\_\_\_

Date May 3, 1968

To C. M. Yurick, Division Deputy Director Attention: W. G. Spilburg

From R. A. Booth, Administrator of Contract Sales BY: Suzanne Kuhlman

Subject Preliminary legislation from Brooklyn Heights and North Randall for I-80

Attached hereto, please find one (1) xerox copy of each of the following Ordinances:

Ordinance No. 23-68, passed by Brooklyn Heights on March 5, 1968, covering projects CUY-80-15.81, 16.46, and 16.60.

~~Ordinance No. 1968-15, passed by North Randall on March 25, 1968, covering project CUY-80-24.63.~~

These copies are intended for your information and files.

RAB  
SK:dl

*R.A. Booth*  
14

- cc: R. E. Catlin
- W. H. Jacobs
- E. Reissig
- J. Edgar (3)
- N. E. Steward
- R. A. Nessleringer
- E. E. Sanderson
- Wm. Fogg
- Fred Tarbox
- File

1968 MAY 6 AM 10:14

RECEIVED  
SH.D. DIV. 12

*[Handwritten notes and signatures]*



STATE OF OHIO  
DEPARTMENT OF HIGHWAYS

Columbus, Ohio 43216

JAMES A. RHODES  
Governor

P. E. MASHETER  
Director

J. W. WILSON  
Chief Engineer

May 3, 1968

Ruth Martin Mack  
Clerk, Village of  
Brooklyn Heights, Ohio 44144

RE: Cuyahoga County  
Interstate Route No. 80  
Sections 15.81, 16.46 and 16.60  
Village of Brooklyn Heights  
Ordinance No. 23-68  
Passed March 5, 1968

Dear Madam:

I am transmitting herewith one (1) copy of the executed preliminary legislation concerning the subject project.

Very truly yours,

R. A. Booth  
Administrator of Contract Sales  
Division of Design & Construction

RAB  
SK:dl

cc: W. G. Spilburg (Division No. 12)  
File

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ORDINANCE AMENDING THE VILLAGE

Ordinance No. 1738

By Wm. Oswald Woodman

AN ORDINANCE GRANTING DIRECTOR OF HIGHWAYS AUTHORITY TO MAINTAIN  
CONSTRUCTION OF CIRCULAR INTERCHANGING WITHIN VILLAGES CONVEYANCE

WHEREAS, the Director of Highways, under Section 1170-42 of the General Code of Ohio, is authorized to construct joint extensions of State Highways within the limits of a village, and

WHEREAS, extensions of State Highway No. 400 lie within this village, and

WHEREAS, this ordinance shall in no manner reduce or discharge the said village from any claim or claim of any nature arising from, or growing out of, the maintenance by the Department of Highways of the State of Ohio of said highways in said village, and the said village shall save the State of Ohio harmless from any and all such claims,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Brooklyn Heights, State of Ohio,

SECTION 1: It is hereby declared to be in the public interest that the construction of said Highway No. 400 and said circular hereby is, given to the Department of Highways of the State of Ohio for said Department to construct joint the State Highways within said village as hereinafore set out.

SECTION 2: That the Clerk be, and he hereby is, directed to furnish to the Mayor of this village and to the Board of County Commissioners of Cuyahoga County, Ohio, a certified copy of this Ordinance immediately upon the taking effect thereof.

SECTION 3: That this Ordinance shall take effect and be in force from and after the expiration period allowed by law.

Passed this 11<sup>th</sup> day of February, 1948.

Wm. Woodman  
Mayor and President of the Council

Wm. Woodman  
Village Clerk

I, Harry Botschawer, Clerk of the Village of Brooklyn Heights, hereby certify that there is no English newspaper published and of general circulation within the Village of Brooklyn Heights; that in accordance with the description of the Village Council as provided for in Section 422 of the General Code of Ohio, the above Ordinance being Ordinance No. 1738 was published by posting copies thereof in five of the most public places in the Village of Brooklyn Heights, which said five places are determined by the Council of the Village of Brooklyn Heights to be as follows:

1. Telegraph pole corner Broadway and Selmer Road.
2. Telegraph pole corner Temple and Selmer Road.
3. Telegraph pole corner Marzago Drive and Selmer Road.
4. Telegraph pole corner Marzago Avenue and Broadway Road.
5. Sign: Main St. 307 East Selmer Road.

That said publication was made for a period of fifteen days commencing on the 14<sup>th</sup> day of February, 1948.

IN WITNESS WHEREOF I have hereto set my hand and seal of the Village of Brooklyn Heights, this 14<sup>th</sup> day of February, 1948.

Wm. Woodman  
Village Clerk

Village of Brooklyn Heights

Book 1238

CONT'D

I, Harry Robinson, hereby certify that I am the regularly elected,  
qualified and acting clerk of the Village of Brooklyn Heights; that the above is an  
exact copy of Ordinance No. 1938 passed by the Village of Brooklyn Heights on  
the 11<sup>th</sup> day of February, 1945.

IN WITNESS WHEREOF I have set my hand this 11<sup>th</sup> day of February, 1945.

Harry Robinson  
Village Clerk

Brooklyn Heights

ORDINANCE #1730

By Mr. Geo. L. Walter Jr.,



AN ORDINANCE GIVING CONSENT OF THE VILLAGE OF BROOKLYN HEIGHTS TO THE PLACING OF SIGNS AND SETS OF ABUTMENT FOR ICE CONTROL UNDER THE SUPERVISION OF THE DIRECTOR OF HIGHWAYS, STATE OF OHIO.

WHEREAS, the Director of Highways is conducting the work of the placing of snow and the placing of abutments for ice control, under his supervision, from all State Highways Extensions in or through incorporated Villages, in accordance with the provisions of Section 1176.8 of the General Code of Ohio, and

WHEREAS, it is proposed to place the signs and place abutments for ice control on all State Highway Extensions within the Village of Brooklyn Heights, in accordance with the standard practices of the Ohio State Highway Department, and

WHEREAS, such standard practices of the Ohio State Highway Department in the placing of snow consists only of the placing of snow from the specified way and does not include the removal of snow from driveways, parking areas, and intersecting roads or streets, and.

WHEREAS, it is understood that this Ordinance does not in any way violate the State of Ohio, and will in no manner detract from the responsibility of the Village, and said State of Ohio being saved harmless from any and all claims or any nature arising from or growing out of such operations aforesaid.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Brooklyn Heights, State of Ohio:

SECTION I: That it is declared to be in the public interest that the removal of said Village be and such consent is hereby given, that said placing of snow and placing of abutments for ice control may be done under the responsibility of the Director of Highways, and in accordance with the standard practices of the State Department of Highways.

SECTION II: That the Clerk be, and he hereby is, directed to forward to the Director of Highways and to the Board of County Commissioners of Cuyahoga County, Ohio, a certified copy of this Ordinance immediately upon the taking effect thereof.

SECTION III: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 7th day of January, 1946.

R. H. Kemmich  
Mayor and President of the Council

W. F. [Signature]  
Village Clerk

I, Harvey DeRosier, Clerk of the Village of Brooklyn Heights, hereby certify that there is no English newspaper published and of general circulation within the Village of Brooklyn Heights; that in accordance with the provisions of the Village Ordinance as provided for in Section 6212 of the General Code of Ohio, the above Ordinance, being Ordinance No. 1730, was published by posting copies thereof in five of the public places in the Village of Brooklyn Heights, which said five places are designated by the Council of the Village of Brooklyn Heights to be as follows:

1. Telegraph pole corner Broadway and Federal Roads.
2. Telegraph pole corner VanAlpa and Federal Roads.
3. Telegraph pole corner Marpage Drive and Federal Road.
4. Telegraph pole corner Federal Avenue and Broadway road.
5. Barn; Edwin Orth, 207 East Federal Road.

ORDINANCE

CON'T

That said publication was made for a period of fifteen days commencing on the 8<sup>th</sup> day of Jan., 1946.

IN WITNESS WHEREOF I have hereunto set my hand and seal of the Village of Brooklyn Heights the 8<sup>th</sup> day of Jan., 1946.

[Signature]  
Village Clerk

I, Harvey Behalover, hereby certify that I am the regularly elected, qualified, and acting Clerk of the Village of Brooklyn Heights; that the above is an exact copy of Ordinance No. 1730 passed by the Village of Brooklyn Heights on the 7<sup>th</sup> day of Jan., 1946.

IN WITNESS WHEREOF I hereto set my hand this 8<sup>th</sup> day of Jan., 1946.

[Signature]  
Village Clerk

AN ORDINANCE *Amended - 4-1934*  
By *Mr. Elmer Jenkins*  
PHEASANT INSIDE VILLAGE CORPORATION

WHEREAS, The Director of Highways, under Section 1179-42 of the General Code of Ohio, is authorized to maintain extensions of state highways within the limits of a village, and

WHEREAS, Extensions of State Highway No. 400 lie within this village, and  
WHEREAS, The work proposed to be authorized under this ordinance shall be restricted to general maintenance of the travelled roadway surfaces of the State Highways heretofore set out, and

WHEREAS, It is understood that this ordinance shall not in any way obligate the State of Ohio to repair pavements or roadway surfaces damaged by the repair, removal or installation of subsurface utility lines, and

WHEREAS, This ordinance shall in no manner relieve or discharge the said Village from any claim or claims of any nature arising from, or growing out of, the maintenance by the Department of Highways of the State of Ohio of said highways in said village, and the said Village shall save the State of Ohio harmless from any and all such claims,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Brooklyn Heights, State of Ohio:

SECTION 1: It is hereby declared to be in the public interest that the consent of said village be, and said consent hereby is, given to the Department of Highways of the State of Ohio for said Department to maintain the travelled portions of the State Highways heretofore set out.

Said Village shall save the Department of Highways of the State of Ohio and the State of Ohio free and all claims of any nature arising from or growing out of the maintenance of the highways within said village as aforesaid.

SECTION 2: That the Clerk be, and he hereby is, directed to furnish to the Director of Highways and to the Board of County Commissioners of Cuyahoga County, Ohio, a certified copy of this Ordinance immediately upon the being asked thereof.

SECTION 3: That this Ordinance shall take effect and be in force from and after the official period allowed by law.

Passed this 18<sup>th</sup> day of February, 1946

*W. H. Jenkins*  
Mayor and President of the Council

I, Harry Kestelover, Clerk of the Village of Brooklyn Heights, hereby certify that there is no English newspaper published and of general circulation within the Village of Brooklyn Heights; that in accordance with the Constitution of the Village Council as provided for in Section 4203 of the General Code of Ohio, the above Ordinance, being Ordinance No. 1939 was published by posting copies thereof in five of the most public places in the Village of Brooklyn Heights, which said five places are determined by the Council of the Village of Brooklyn Heights to be as follows:

1. Telegraph pole corner Woodpark and Belmont Roads.
2. Telegraph pole corner Vandyke and Selmaf Roads.
3. Telegraph pole corner Marjorie Drive and Oakleaf Road.
4. Telegraph pole corner Tweeds Avenue and Woodpark Road.



Ord. # 1239

60110

5. Street Light Ord. for New School Road

That said publication was held for a period of fifteen days commencing on the 19<sup>th</sup> day of February, 1910.

It is hereby ordered that I have received and my hand and seal of the Village of Brooklyn this the 19<sup>th</sup> day of February, 1910.

W. F. Johnson  
Village Clerk

It is hereby resolved, hereby ordered and it is so regularly adopted, published and reading Clerk of the Village of Brooklyn this the 19<sup>th</sup> day of February, 1910. Passed by the Village of Brooklyn this the 18<sup>th</sup> day of February, 1910.

It is hereby ordered that I have received my hand and seal of the Village of Brooklyn this the 19<sup>th</sup> day of February, 1910.

W. F. Johnson  
Village Clerk