

VILLAGE COUNCIL OF WAKEMAN, OHIO  
RESOLUTION NO.: 2021-R-27

RESOLUTION OF CONSENT  
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)

A RESOLUTION REQUESTING AND GRANTING APPROVAL AND CONSENT TO THE DIRECTOR OF TRANSPORTATION TO MAINTAIN, REPAIR, AND APPLY STANDARD LONGITUDINAL MARKING LINES AND TO ERECT REGULATORY AND WARNING SIGNS ON ANY SECTION OF A STATE HIGHWAY WITHIN THE LIMITS OF THE VILLAGE; AND

GRANTING CONSENT TO THE DIRECTOR OF TRANSPORTATION FOR THE REMOVAL OF SNOW AND ICE FROM STATE HIGHWAYS WITHIN THE VILLAGE; AND

GRANTING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO ENTER UPON SUCH STATE HIGHWAYS WITHIN THE VILLAGE AND CONSTRUCT, RECONSTRUCT, WIDEN, IMPROVE, MAINTAIN, AND REPAIR THEM; AND

AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO ANY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE REMOVAL OF SNOW AND ICE, AND THE USE OF SNOW AND ICE CONTROL MATERIAL, AND FOR CERTAIN MAINTENANCE AND/OR REPAIR OF STATE HIGHWAYS WITHIN THE VILLAGE; AND DECLARING AN EMERGENCY

WHEREAS, the Director of Transportation, under Section 5521.01, upon the request and approval of the legislative authority of a village, shall maintain, repair and apply standard longitudinal pavement marking lines, and to erect and to erect regulatory and warning signs on any state highway within the limits of the village; and

WHEREAS, the Director of Transportation, under Section 5501.41 of the Ohio Revised Code, may remove snow and ice from the state highways within municipal corporations, but before doing so he must obtain the consent of the legislative authority; and

WHEREAS, the Director of Transportation, under Section 5511.01 of the Ohio Revised Code may enter upon such state highways within any municipal corporation and construct, reconstruct, widen, improve, maintain, and repair them, provided the municipal corporation first consents by resolution of its legislative authority; and

WHEREAS, Extensions of State Highway Nos. US20, SR60, SR303 lie within the Village of Wakeman, Huron County, and

WHEREAS, the work proposed to be authorized under this Resolution shall be restricted

to general maintenance of the traveled roadway surfaces, apply standard longitudinal pavement markings, erecting regulatory and warning signs, and route marking 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 streets; and

WHEREAS, this Resolution shall not relieve or discharge the Village from responsibility for emergency repair of signs installed by the Department of Transportation; and

WHEREAS, this Resolution shall not 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; and

WHEREAS, this Resolution is not intended to and shall not supersede any section of the Ohio Revised Code pertaining to the responsibilities of the Village and the Department of Transportation regarding any other maintenance and repair; and

WHEREAS, Village Council granted previous approval and consent to the Director of Transportation in Ord. No.: 91-29 passed November 12, 1991 and Ord. No.: 2019-O-6 passed April 8, 2019.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. MARKINGS AND SIGN CONSENT. That pursuant to Section 5521.01 of the Ohio Revised Code, Village Council declares it to be in the public interest and hereby requests and grants approval and consent to the Director of Transportation of the State of Ohio to maintain, repair and apply standard longitudinal pavement marking lines and to erect and to erect regulatory and warning signs on any state highway within the limits of the village.

SECTION 2. REMOVAL OF SNOW AND ICE CONSENT. That pursuant to Section 5501.41 of the Ohio Revised Code, Village Council declares it to be in the public interest and hereby grants consent to the Director of Transportation of the State of Ohio, if an agreement is entered into with the Ohio Department of Transportation, for the removal of snow and ice from the state highways in the Village. Such consent includes consent to plow snow and place abrasives for ice control in listed in the agreement, and accordance with the standard practices of the Ohio Department of Transportation.

SECTION 3. CONSTRUCTION, MAINTENANCE, AND REPAIR CONSENT. That pursuant to Section 5511.01 of the Ohio Revised Code, Village Council declares it to be in the public interest and hereby grants consent to the Director of Transportation of the State of Ohio, if an agreement is entered into with the Ohio Department of Transportation, to enter upon such state highways within the village and construct, reconstruct, widen, improve, maintain, and repair them in accordance with the standard practices of the Ohio

Department of Transportation.

**SECTION 4. AUTHORIZATION.** That the VILLAGE ADMINISTRATOR is hereby authorized to enter into any Agreement with the Ohio Department of Transportation (ODOT) for the removal of ice and snow, and the use of snow and ice and the use of snow and ice control material on said State Highways within the corporate limits of the Village; and enter into any Agreement with ODOT for certain maintenance and/or repair of State Highways within the corporate limits of the Village.

**SECTION 5. CERTIFIED COPY.** That the Clerk is hereby directed to furnish the Ohio Director of Transportation and the Board of County Commissioners of Huron County, Ohio, with a certified copy of this Ordinance immediately upon adoption and execution.

**SECTION 6. DISPENSE WITH THREE READINGS.** That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 705.15 and 731.17(A)(2)]

**SECTION 7. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT.** That by two-thirds vote of all the members elected to the legislative authority, this Ordinance/Resolution is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

*ODOT states that without this legislation, ODOT can't operate within the Village and winter is closing in. (Reference Email to Mayor from Lisa Pawlikowski dated 9/15/21).*

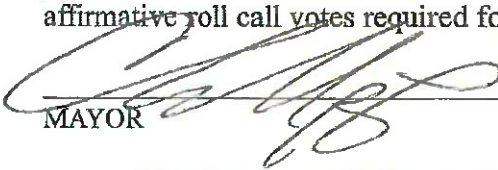
**SECTION 8. PUBLIC MEETING.** That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this Legislation shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 11 day of October, 2021.

**AUTHENTICATION and ATTESTATION**  
(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

  
MAYOR

  
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 6 NAYS: 0 ABSTAIN: 0

First Reading: October 11, 2021

Second Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))  
Third Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

PREPARED BY AND APPROVED AS TO FORM [See also 731.21(B)]:

SP (JWA)  
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING  
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and
- 2) Electronically online at official Village website; and
- 3) Wakeman Post Office, 17 West Main Street; and
- 4) Village of Wakeman Municipal Building, 59 Hyde Street; and
- 5) Mickey Mart, 52 West Main Street.

[Signature]  
FISCAL OFFICER/COUNCIL CLERK

CERTIFICATE OF COPY

State of Ohio, Huron County, ss:

I, the undersigned Clerk of Council of the Village of WAKEMAN, in Huron County, Ohio, whose custody the files, journals and records of said Village are required by law to be kept, do hereby certify that the foregoing is taken and copied from the original now on file with said village, and that the foregoing is a true and correct copy or reproduction thereof.

I have hereunto subscribed my name and affixed my official seal this 13 day of October, 2021

-SEAL-

[Signature]  
CLERK OF COUNCIL (Blue Ink)

ACCEPTED AND APPROVED by the Ohio Department of Transportation

[Signature], Director of Transportation

Date:

10/20/21