

**ORDINANCE NO. 898**

**AN ORDINANCE TO APPROVE INTERGOVERNMENTAL COOPERATION WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE WELLINGTON STREET BRIDGE REPLACEMENT PROJECT AND AGREEMENT RELATED THERETO**

**WHEREAS**, the Wellington Street Bridge over Sixteen Mile Creek in North East Borough, Erie County (the "County") needs to be rehabilitated; and

**WHEREAS**, through and with the assistance of the Pennsylvania Department of Transportation ("PennDOT"), the Council of North East Borough have secured federal and state funding for the rehabilitation project; and

**WHEREAS**, the bridge rehabilitation project shall be undertaken in cooperation with PennDOT which will undertake the design and construction of the bridge; and

**WHEREAS**, for purposes of carrying out this bridge rehabilitation project, and Agreement setting forth the manner in which this bridge rehabilitation project will be undertaken in terms of design, construction and financing, is required between the Borough and PennDOT. This Agreement is entitled "Standard Bridge Reimbursement Grant Agreement" and is referred to as Agreement No.R18010004 .

**WHEREAS**, in accordance with the authority of the Pennsylvania Intergovernmental Cooperation Law, 53 Pa.C.S. Sections 2301 et. Seq., this Agreement for the bridge rehabilitation project must be authorized by Ordinance.

**NOW, THEREFORE, Be it Ordained and Enacted** and it is hereby ordained and enacted by and with the authority of same by the Council of North East Borough as follows:

**Section 1. Purpose.** This Ordinance is adopted pursuant to the provisions of the Pennsylvania Intergovernmental Cooperation Law, 53 Pa.C.S. Sections 2301 et. Seq., for purposes of approving the Intergovernmental Agreement between the Borough and PennDOT which delegates certain activities for the project to PennDOT and establishes its respective responsibilities for the Wellington Street Bridge Replacement Project.

**Section 2. Agreement Authorized.** The Agreement, entitled "Standard Bridge Reimbursement Grant Agreement" and referred to as Agreement No. R18010004 sets forth the respective responsibilities of the Borough and PennDOT with respect to the Wellington Street Bridge Replacement Project which Agreement is hereby approved, and the appropriate officials of the Borough are hereby authorized and directed to execute the Agreement and to take all actions necessary to implement the terms of the Agreement.

**Section 3. Borough Participation.** The officers and officials of the Borough shall authorize, budget, appropriate, and pay those expenses for the Wellington Street Bridge Rehabilitation Project as are required by the Agreement, and shall provide all services and work required under the Agreement and necessary for the completion for the project.

**Section 4. Signature Authorization.** The Borough Manager is hereby authorized to and given signature authority to enter into the agreement between the PennDOT and the Borough, Agreement No.R18010004 and to take all other actions as required under the terms of the Agreement.

**Section 5. Miscellaneous Terms.** There shall be no separate organization established, the term of the authorization hereby approved shall last only until the completion of the project as set forth in the Agreement, and there shall be no financial obligations undertaken or authorized other than as set forth in the Agreement.

**Section 6. Severability.** If any part of this Ordinance is for any reason found to be unconstitutional illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance.

**Section 7. Repealer.** All ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

**Section 8. Effective Date.** This Ordinance shall become effective five (5) days after enactment.

**Section 9. Delegation of Authority.** North East Borough hereby delegates to the Secretary of Transportation its authority to acquire the right-of-way necessary for the Wellington Street Bridge project described and enumerated in Agreement No.R 1 8 0 1 0 0 0 4 , said Agreement containing all applicable Wellington Street Bridge project terms and conditions incorporated by reference herein as if fully set forth.

**Section 10. Duration.** This delegation shall continue until the Wellington Street Bridge project terms and conditions of Agreement No.R18010004 shall be fully satisfied or, at the election of the parties as set forth therein, the same shall be otherwise terminated.

**Section 11. Purpose and Scope of Delegation.** The Secretary of Transportation shall have the authority to acquire the right-of-way necessary for the Wellington Street Bridge project described and enumerated in Agreement No.R18010004.

**Section 12. Financing.** The right-of-way acquisition costs under Agreement No.R18010004 is being funded with Act 143 of 1982, Local Bridge Program, through Appropriation 183.

**Section 13. Organizational Structure.** The Wellington Street Bridge project shall be managed, directed and performed by the Commonwealth of Pennsylvania, Department of Transportation.

**Section 14. Property.** The Secretary of Transportation shall acquire property pursuant to all applicable policies and procedures as necessary for the Wellington Street Bridge project as authorized by Section 2003(e) of the Administrative Code, 71 P.S. § 513(e), for all transportation purposes which shall include, and not be limited to, acquisitions for local roads and streets.

**Section 15. Acquisition and Condemnation.** The Secretary of Transportation may need to acquire right-of-way as part of the Project described herein, including acquisition by condemnation.

ENACTED INTO ORDINANCE THIS 2<sup>nd</sup> DAY OF APRIL 2018.

THE BOROUGH OF NORTH EAST

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David Hall, President of Borough Council

ATTEST:

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Patrick J. Gehrlein, Borough Manager

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Steven L. Gregory, Mayor