



City of Powell, Ohio

ORDINANCE 2005-57

Passed November 15, 2005

AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO SELECT AN ENGINEERING CONSULTANT TO DESIGN A TRAFFIC SIGNAL AT THE INTERSECTION OF STATE ROUTE 750/BENNETT PARKWAY/CRESSINGHAM LANE AND THE ELIMINATION OF THE EXISTING PEDESTRIAN CROSSING AT THORNBURY LANE AND STATE ROUTE 750; AND AUTHORIZING THE CITY MANAGER TO CONTRACT FOR SUCH SERVICES.

WHEREAS, Council has determined that the intersection of State Route 750/Bennett Parkway/Cressingham Lane is a dangerous intersection involving the potential for serious injury or loss to persons and property and,

WHEREAS, Council therefore commissioned a Traffic Signal Warrant Analysis indicating none of the warrants were met but at least one of the warrants would have been met had the engineer not exercised discretion regarding such warrant and Council has determined in its opinion that such intersection is a dangerous intersection and in the opinion of Council satisfies the requirements of a Traffic Warrant Study and,

WHEREAS, Council specifically finds that:

1. That City Council in the reasonable exercise of its police power has an obligation to provide for the care and safety of its public roads and provide for the safety of persons using such roads and,
2. That Council further has the authority pursuant to the State Code to regulate highways within its jurisdiction to place traffic control devices at such locations as it deems appropriate and,
3. That Council has the authority to regulate, warn or guide traffic within the confines of the City and,
4. That Council specifically determines that the subject intersection is a dangerous intersection.
5. That Council finds that there is broad discretion as to interpretation of the placement of traffic control devices under the State Uniform Traffic Manual and that Council has the authority to exercise that discretion.
6. That in the opinion of Council the Ohio Traffic Manual sets forth standards for placement of traffic control devices and Council determines to exceed those standards at this intersection and,
7. That Council determines that it would rather err on the side of safety when exercising the police power to protect its residents and,
8. That Council therefore determines that the placement of a traffic control device at the subject intersection is in its opinion mandatory provided the City has funds adequate for installation of such traffic control device and,

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: The City Engineer is directed to select an engineering consultant for the design and engineering of the traffic signal at the intersection of State Route 750/Bennett Parkway/Cressingham Lane and to include the elimination of an existing pedestrian crossing at Thornbury Lane and State Route 750 which would upon installation of a traffic signal become unnecessary.

Section 2: That the City Manager is authorized to review and approve the subject contract and expend funds already appropriated for completion of such contract.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 4: This Ordinance shall take effect the earliest possible date permitted by law.

VOTE ON ORDINANCE 2005-57:

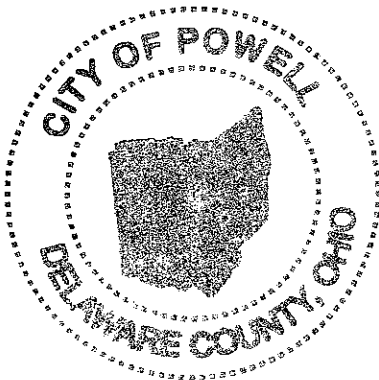
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N 0

Dan Wiencek 12/6/05
Dan Wiencek
Mayor

Susie Ross 12/6/05
Susie Ross
City Clerk

EFFECTIVE DATE: December 15, 2005



This legislation has been posted in accordance with the City Charter on this date 12/7/05.

Susie Ross
Clerk of Council

City Council

Dan Wiencek, Mayor

Richard Cline

Don Grubbs

George Kaitsa

David Lackey

Art Schultz

Jim Seta