

RESOLUTION NO. CR-49-02

A RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO
ENTER INTO AN INTERIM CONSENT DECREE WITH THE MID-OHIO
BOARD FOR INDEPENDENT LIVING ENVIRONMENT, ET AL.

WHEREAS, the City of Grove city is presently involved in a certain lawsuit entitled Mid-Ohio Board for Independent Living Environment, et al. Plaintiffs vs. Grove City, Ohio, Defendant, in the United States District Court for the Southern District of Ohio Eastern Division, Case No. C2 01-883; and

WHEREAS, the City of Grove City desires to enter into an Interim Consent Decree with said plaintiffs, a copy of which is attached hereto and made a part hereof.

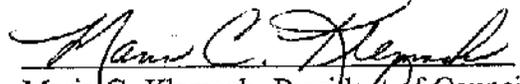
NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

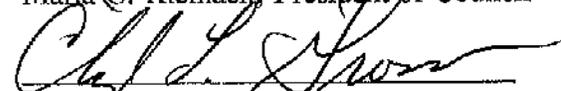
SECTION 1. The City Administrator is hereby authorized to enter into the Interim Consent Decree with the Mid-Ohio Board for Independent Living Environment, et al., attached hereto as Exhibit "A".

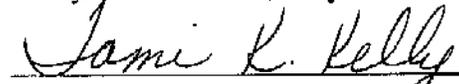
SECITON 2. This resolution shall take effect at the earliest opportunity allowed by law.

Passed: 7-01-02
Effective: 7-01-02

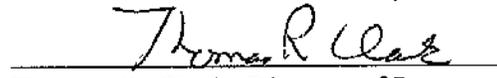
Attest:


Maria C. Klemack, President of Council


Cheryl L. Grossman, Mayor


Tami K. Kelly, CMC/AEE, Clerk of Council

I Certify that this resolution is correct as to form


Thomas R. Clark, Director of Law

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Mid-Ohio Board for Independent Living Environment, et al.	:	
	:	Case No. C2 01-883
	:	
Plaintiffs,	:	Judge Edmund A. Sargus, Jr.
	:	Magistrate Judge Abel
v.	:	
	:	
Grove City, Ohio,	:	
	:	<u>INTERIM CONSENT DECREE</u>
Defendant.	:	

The parties, wishing to resolve the matter of the issues addressed in Plaintiffs' Motion for Preliminary Injunction without a hearing, hereby agree that:

1. The Defendant shall ensure that all contracts for the year 2002 and thereafter concerning reconstruction or resurfacing of City of Grove City streets and all City of Grove City financed sidewalk repair projects undertaken in 2002 and thereafter by the City of Grove City, shall include specific requirements for the installation of curb ramps which comply with the Americans with Disabilities Act guidelines, as set forth in Exhibit A, as a contemporaneous part of such projects. Any contracts for construction projects concerning street lights, utilities, or regular maintenance of streets, highways, or sidewalks, need not include specific requirements regarding compliance with the Americans with Disabilities Act guidelines, unless the sidewalk repair work associated with construction projects concerning street lights or utilities involve replacing sidewalk or ramps at the intersection. For contracts that specify that curb ramps will comply with the Americans with Disabilities Act guidelines, as set forth in Exhibit A, said contracts shall specify that these curb ramps shall be installed into all resurfaced streets at

intersections where there are designated crosswalks¹ and at intersections where pedestrian traffic is normally intended to cross. Also, these curb ramps shall be installed into each cross street that intersects with the resurfaced streets, where there are City of Grove City designated crosswalks, so that sidewalks running parallel with the resurfaced streets are accessible to mobility-impaired persons with disabilities.

2. Attached hereto as Exhibit B, which consists of six (6) pages, consists of a map and a list of streets. The map shows the streets worked on under Grove City's Street Resurfacing Program in 1999, 2000, and 2001; the work limits of the Dennis Lane Storm Sewer Project, which was constructed in 2000; and the streets that the City of Grove City obtained grant monies to construct sidewalks thereon and perform other related street work in 1999, 2000, and 2001. The five (5) page list is a list that the City of Grove City confirms is a list of: (1) noncompliant curb ramps located adjacent to streets resurfaced under the City of Grove City's Street Resurfacing Program in 1999, 2000, and 2001; (2) noncompliant curb ramps located adjacent to Dennis Lane; and (3) noncompliant curb ramps located adjacent to streets for which the City of Grove City obtained grant money to construct sidewalks thereon and perform other related street work in 1999, 2000, and 2001.

3. The City of Grove City warrants that it did not have any sidewalk tax assessment replacement/repair program in place during the years of 1999, 2000, and 2001. The City of Grove City warrants that for 2002, it does not have a sidewalk tax assessment replacement/repair program in place.

¹ As used throughout this Agreement, the term "designated crosswalk" shall be used as defined in Section 5F-5 of the Ohio Manual of Uniform Traffic Control Devices and Section 4511.01(LL) of the Ohio Revised Code.

4. Plaintiff M.O.B.I.L.E. agrees to accept and to adhere to the measurement practice standards set forth in Exhibit A.

5. With the approval of this Consent Decree and the measurement practice standards set forth in Exhibit A by the parties and the Court, the City of Grove City shall ensure that curb ramps shown on Exhibit C, the noncompliant curb ramps for streets worked on in 2001, comply as set forth in paragraph 1 of this Consent Decree by December 31, 2002. The City of Grove City shall ensure that curb ramps shown on Exhibit D, the noncompliant curb ramps for streets worked on in 2000, comply as set forth in paragraph 1 of this Consent Decree by December 31, 2003. The City of Grove City shall ensure that curb ramps shown on Exhibit E, the noncompliant curb ramps for streets worked on in 1999, comply as set forth in paragraph 1 of this Consent Decree by December 31, 2004.

6. On or before June 1st and December 31st of 2002, 2003, 2004, and 2005, the City of Grove City will provide to Plaintiffs' counsel a short, written report listing progress on meeting the deadlines set forth above, including the locations where curb ramps have been brought into compliance and the locations where curb ramps remain to be brought into compliance.

7. On or before July 1, 2002, the City of Grove City will provide to Plaintiffs' counsel a short, written report listing all intersections where Defendant plans to resurface during year 2002. On or before September 15, 2002, the City of Grove City shall provide to Plaintiffs' counsel a short, written report listing progress on said resurfacing plans during year 2002.

8. In the event that Plaintiffs believe that the City of Grove City has not fulfilled its obligations addressed herein with respect to the curb ramps specified on Exhibits C, D, and E, prior to seeking enforcement of this Consent Decree through the Court, Plaintiffs will first

provide the City of Grove City with written notice of any non-compliance. Such written notice is to be sent by certified mail to the City of Grove City Administrator within 90 days of Plaintiffs' receipt of the report, as set forth in paragraphs 6 and 7, which states that the particular curb ramp, that Plaintiffs believe is not in compliance, was brought into compliance by the City of Grove City. The City of Grove City shall have a reasonable opportunity of 90 days from receipt of the notice, as evidenced by the certified mail return slip, weather permitting, in which to cure any non-compliance before Plaintiffs seek enforcement of this Consent Decree through the Court.

9. The parties enter into this Consent Decree in an effort to resolve the issues presented in Plaintiffs' Motion for Preliminary Injunction, and specifically acknowledge that Defendant does so without admitting liability or wrongdoing. Plaintiffs agree to forebear seeking a Preliminary Injunction by the Court mandating the terms of this Consent Decree.

Approved by:

A Duly Authorized Representative of
City of Grove City, Ohio

A Duly Authorized Representative of
M.O.B.I.L.E.

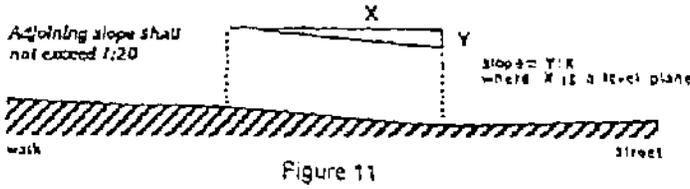
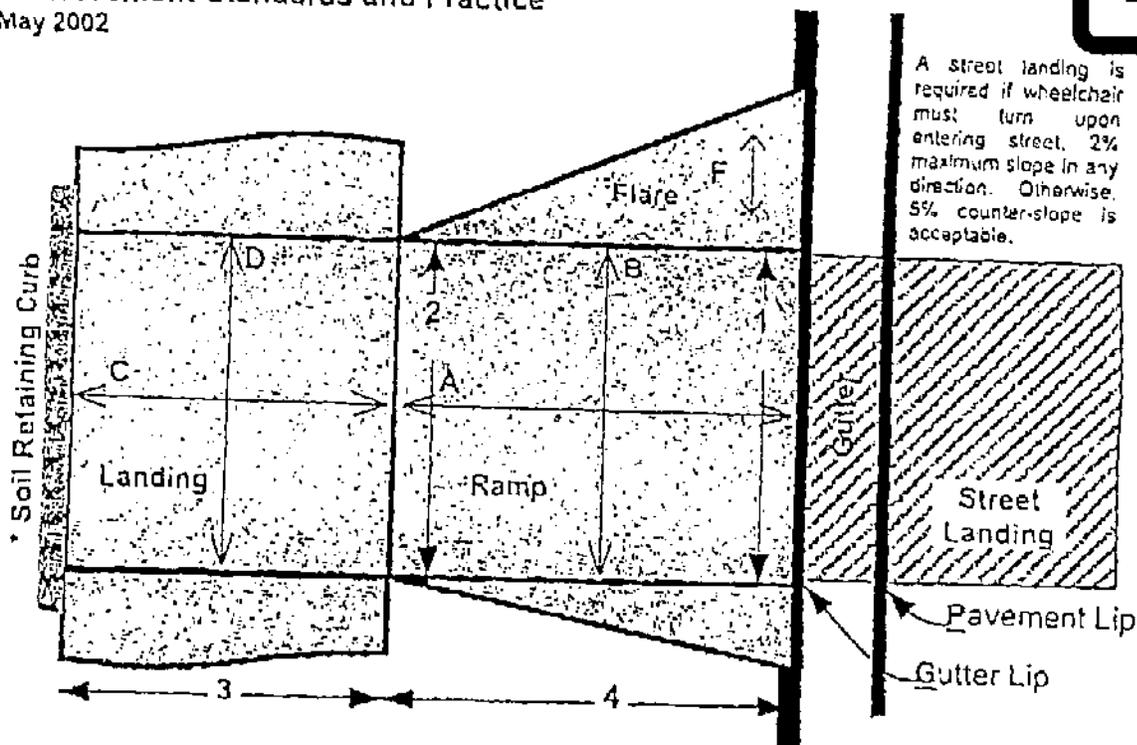
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Trial Attorney for Plaintiffs

The Court having considered the parties joint motion and finding it will taken, and all parties having agreed, **IT IS HEREBY ORDERED** that this Consent Decree is entered this _____ day of _____ 2002. The Court shall retain jurisdiction to ensure compliance with all terms of this Consent Decree.

Judge Edmund A. Sargus
United States District Court



The ramp slope is a ratio equal to the vertical rise (y) divided by the horizontal run (x). It is equal to the tangent of the angle that the plane of the ramp surface makes with a horizontal (level) plane. For a curb ramp, the adjoining slope at walk or street shall not exceed 1:20.

Pursuant to Figure 11, one measurement taken each way per component for the entire length of said ramp, i.e. the horizontal slope measurement will be taken from the beginning of the left to the end of the right side of the ramp and the vertical slope measurement will be taken from the beginning top of the ramp to the end bottom of the ramp.

Pursuant to ADAAG 3.2, all dimensions are subject to conventional building industry tolerances for field conditions.

All slope measurements to be rounded to the nearest whole percent (%).

Dimension	Description	ADAAG #	Minimum	Maximum	Comments
A	Ramp Running Slope	4.8.2	2%	6%	Use least slope feasible
B	Ramp Cross Slope	4.8.6	0%	2%	Also applies to gutter slope
C	Landing Running Slope	4.8.4	1%	2%	Must drain toward ramp
D	Landing Cross Slope	4.8.4	0%	2%	Should match ramp cross slope
F	Flare Slope	4.7.5	N/A	10%	Not required if landscaped
G & P	Gutter Lip & Pavement Lip	4.7.2	0"	0"	Shall be flush
1	Ramp Bottom Width	4.8.3	36"	N/A	48" preferred, 48" minimum if diagonal
2	Ramp Top Width	4.8.3	36"	N/A	48" preferred, 48" minimum if diagonal
3	Landing Depth		48"	N/A	* 60" min. if curbed behind landing
4	Ramp Length	4.8.2	N/A	30'	Intermediate landing when longer
Note 1	Ramp Direction		Perpendicular preferred		Diagonal ramps may only be used when curb radius is 30' or greater
Note 2	Drainage	4.8.8	All outdoor concrete must drain		
Note 3	Detectable Warning	4.29.2	Required full width and depth of ramp surface		