

## PRELIMINARY LEGISLATION – City Consent

Rev. 6/26/00

A Resolution to Support the State of Ohio's Project to Remove and Replace the Existing Micro-Silica and Latex Modified Deck Overlays on SFN 5703484 MOT US 40 1883 Over Chessie System Railroad in the City of Vandalia, Identified as MOT US40/IR70 18.83/1.06

~~Ordinance~~/Resolution # **12-R-28**  
PID No. 93206  
MOT US40/IR70 18.83/1.06

The following is ~~Ordinance~~/Resolution enacted by the City of Vandalia, Montgomery County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

### **SECTION I - Project Description**

WHEREAS, the STATE has identified the need for the described project:

To remove and replace existing micro-silica and latex modified deck overlays on SFN 5703484 MOT US 40 1883 (over Chessie System Railroad) in the City of Vandalia, Montgomery County, Ohio. Said project is further identified as **MOT US40/IR70 18.83/1.06**.

NOW THEREFORE, be it ordained by the City of Vandalia, Ohio.

### **SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

### **SECTION III - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The LPA has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the LPA also agrees to pay One-Hundred Percent (100%) of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City. The City shall adjust any existing castings, as required, with City forces.

#### SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

#### SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and, (4) hold said right-of-way inviolate for public highway purposes.

#### SECTION VI - Authority to Sign

The City Manager of said City of Vandalia is hereby empowered on behalf of  
(Contractual Agent-Title)  
the City of Vandalia to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: August 13, 2012.  
(Date)

Attested: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
(Officer of City) Robert L. Anderson

Attested: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
(President of Council) Arlene J. Setzer

This ~~Ordinance~~/Resolution is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY  
STATE OF OHIO

City of Vandalia of Montgomery County, Ohio

I, Robert L. Anderson, as Clerk of the City of Vandalia, Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of ~~ordinance~~/Resolution adopted by the legislative Authority of the said City of Vandalia on the 13th day of August, 2012, that the publication of such ~~Ordinance~~/Resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such ~~Ordinance~~/Resolution have been taken: and that such ~~Ordinance~~/Resolution and certificate of publication thereof are of record in 12-R-28, Page n/a.  
(~~Ordinance~~/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 14th day of August, 2012.

SEAL  
(REQUIRED or Letter stating No Seal)

\_\_\_\_\_  
Robert L. Anderson  
Clerk of Council  
City of Vandalia, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described for the City of Vandalia, Ohio.

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

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For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation