

A Resolution to Approve the Preliminary Legislation of the State of Ohio's National Road Streetscape Phase 5 Project Within the City of Vandalia, Identified as MOT-National Streetscape Ph 5

~~Ordinance~~/Resolution # 12-R-32

PID No. 90834

MOT National RD Streetscape Ph 5
ODOT Agreement No. _____

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 LPA has identified the need for the described project:

Installation of trees with decorative tree grates, installation of decorative lights, removal and replacement of sidewalk and existing pavers, removal and replacement of drive aprons and upgrade of bus stop with street furniture as part of the National Road Streetscape Phase 5 project within the City of Vandalia, Montgomery County, Ohio. Said project further identified as **MOT-National Streetscape Ph 5**.

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 City agrees to assume and bear one-hundred percent (100%) of the entire cost of this improvement, less the amount of Federal-aid and State funds 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 City also agrees to assume and bear one-hundred percent (100%) of the cost of any construction items requested by the LPA on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

The City further agrees to pay one-hundred percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and

Federal regulations, all necessary right-of-way required (if applicable) for the described Project. 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 agrees that all such accommodations, relocations, and reimbursements shall 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 – Consultants and 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 ODOT prequalified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the City Manager is also empowered to assign all rights, title, and interest of the City (Contractual Agent-Title) of Vandalia to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consult contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: August 13, 2012.
(Date)

Attested: _____
Deputy Clerk of Council (Officer of City) Robert L. Anderson

Attested: _____
Deputy Clerk of Council (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 of 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, 2 012 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-32, 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, 2 012.

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

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation