

**PRELIMINARY LEGISLATION-Consent**

Rev. 6/26/00

**Ordinance# 20-2023**

**PID No. 114351**

**County/Route/Section TUS-259-0.11**

The following Ordinance is enacted by the city of New Philadelphia, Tuscarawas 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:

**The project includes replacing the wearing surface on bridge TUS-259-0011 (SFN 7905785) carrying SR 259 over the Tuscarawas River. The project will also update the bridge railing and perform other small repairs to the bridge. The entire cost of the project (PID 114351) will be borne by the Ohio Department of Transportation.**

WHEREAS, a portion of the project is within the municipal corporation limits.

NOW THEREFORE, be it ordained by the city of New Philadelphia, Tuscarawas County, 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:

ODOT shall assume and bear 100% of the necessary costs of the State's highway improvement project. In the event the City requests certain features or appurtenances be included within the State's highway improvement project's design and construction, and which features and appurtenances are determined by the State and FHWA to be not necessary for the State's project, the City shall contribute 100% of the cost of those items.

If curb ramps are constructed by ODOT in compliance with ADA, 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 agreed that all right of way required (if applicable) 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 agreed that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 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 the 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 Mayor of said New Philadelphia is hereby empowered on behalf of the city of New Philadelphia to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: October 9, 2023.

Attested: Julie Courtright  
Julie Courtright, Clerk

Joel B. Day  
Joel B. Day, Mayor

Attested: Julie Courtright  
Clerk

Donald C. Kemp  
Donald C. Kemp, President of Council

This Ordinance is hereby declared to be an emergency measure to expedite the highway project 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 in force from and after the earliest period allowed by law.


Sponsored by Public Works and Economic Development Committee

**CERTIFICATE OF COPY  
STATE OF OHIO**

The City of New Philadelphia, Tuscarawas County, Ohio

I, Julie COURTRIGHT, a Clerk of the city of New Philadelphia, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance # 20-2023 adopted by the legislative Authority of the said city of New Philadelphia on the 9<sup>th</sup> day of October, 2023, that the publication of such Ordinance# 20-2023 has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance # 20-2023 have been taken; and that such Ordinance # 20-2023 and certificate of publication thereof are of record in Ordinance # 20-2023, Page      -     

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 9<sup>th</sup> day of October, 2023.

  
Clerk  
City of New Philadelphia, Ohio

(Seal Required)  
( or letter stating no seal)

The foregoing is accepted as a basis for proceeding with the project herein described.  
For the city of New Philadelphia, Ohio.

Attest: \_\_\_\_\_ Date \_\_\_\_\_  
Clerk Contractual Officer

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**For the State of Ohio**

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