

PRELIMINARY LEGISLATION -Consent

Rev . 6/26/00

Ordinance# 27-2018

PIDNo. 107645

County/Route/Section TUS-39-10.24

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

WHE REAS , the STATE has identified the need for the described project:

Being the removal of an average two and one quarter (2.25) inches and the resurfacing with an average two and one quarter (2.25) inches of asphaltic concrete on State Route 39 from the Dover Park & Ride (SLM 10.24) to the West High Avenue railroad crossing in New Philadelphia (SLM 13.55); length in the Cit) • of New Philadelphia equals 3,590 ft., width varies from 48 to 60 ft.

NOW THE REFORE, be it ordained by the city of New Philadelphia, 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 the entire cost of the improvement less the amount of Federal and State Funds set aside by the Director of Transportation for financing the improvement from funds allocated by the Federal Highway Administration . The City is only financially responsible for work within the corporation limits of New Philadelphia.

In addition, the City also agrees to assume and bear 100% of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

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 to acquire and/or make available to ODOT , in accordance with current State and Federal regulations, all necessary right -of-way required 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 purposes.

SECTION VI - Authority to Sign

The Mayor of said city of 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 : _____, 2018 .
(Date)

Attested: _____
(Clerk)

(Officer of Cit y- Mayor)

Attested: _____
(Clerk)

(President of Council)

This Ordinance 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.

Sponsored by: Public Works and Economic Development Committee

CERTIFICATE OF COPY
STATE OF OHIO

The City of New Philadelphia of Tuscarawas County, Ohio

I, _____, as Clerk of the city of New Philadelphia, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance # _____ adopted by the legislative Authority of the said city of New Philadelphia on the _____ day of _____, 2018, that the publication of such Ordinance # _____ has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance# _____ have been taken; and that such Ordinance # _____ and certificate of publication thereof are of record in Ordinance Record _____, Page _____

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable. this _____ day of _____, 2018.

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 _____
Contractual Officer

For the State of Ohio

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