

PRELIMINARY LEGISLATION - Consent

Rev. 6/26/00

Ordinance # 7-2017
PID No. 99976
County/Route/Section: TUS-39-12.61

The following is an Ordinance 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:

Add a turn lane to the US 250 WB/IR 77 NB off ramp, the IR 77 SB off ramp and on the SR 39 approach at the CR 21 intersection at the interchange of IR 77, US 250 and SR 39 near New Philadelphia. Optimize the traffic signal timing and phasing at the intersection of the southbound IR 77 exit ramp and SR 39.

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 that the LPA requests certain features or appurtenances be included within the State's highway improvements 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 LPA shall contribute 100% of the cost of those items.

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.

SECTION IV - Utilities and Right of Way Statement

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire all necessary right-of-way for the described Project. The State 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 - 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: May 22, _____, 20 17.

Attested: Julie Courtright
Clerk

Joel Bealman
Mayor

Attested: _____

Sam R. Harkness
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 be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of New Philadelphia of Tuscarawas County, Ohio

I, Julie Courtright, as Clerk of the City (LPA)
of New Philadelphia, Ohio, do hereby certify that the foregoing is a true and correct
copy of Ordinance 7-2017 adopted by the legislative Authority of the said
(Ordinance/Resolution)
City of New Philadelphia on the 22 day of May, 2017,
(LPA)
that the publication of such Ordinance has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
Ordinance have been taken; and that such Ordinance
(Ordinance/Resolution) (Ordinance/Resolution)
and certificate of publication thereof are of record in Ordinance 7-2017 Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my
official seal, if applicable, this 23 day of May, 2017.

(Seal)
(Required)

Julie Courtright
Clerk
City of New Philadelphia, Ohio

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