

9/22/2021

PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

Ordinance # : 21-2021
PID No. : 115257
CRS : TUS NP Shared Use Path Phase 1
Agreement No: 36824

The following is a/an Ordinance enacted by the City of New Philadelphia of Tuscarawas
(Ordinance) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the LPA/STATE has determined the need for the described project:

Construction of new shared use path and ADA facilities connecting Kent State Tuscarawas to downtown New Philadelphia along East High Ave. (SR 39 and SR 259) – approximately 3 miles in length.

NOW THEREFORE, be it ordained by the City of New Philadelphia of Tuscarawas County, Ohio. (LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to assume and bear the cost of the improvements which exceed the Federal fund maximums for Construction and Construction Engineering as allocated by the State, which are outline in the LPA Federal ODOT Let Project Agreement (No. 36824).

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

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SECTION IV Authority to Sign

The LPA hereby authorizes Service Director Ron McAbier of said City of New Philadelphia to
(Signature authority) (LPA)
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, Service Director Ron McAbier is also empowered to execute any appropriate documents to
(Signature authority)
affect the assignment of all rights, title, and interests of the City of New Philadelphia to ODOT arising from any
(LPA)

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.

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way 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 that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – 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.

Sponsored by: Safety, Health and Services Committee

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**CERTIFICATE OF COPY
STATE OF OHIO**

City of New Philadelphia of Tuscarawas County, Ohio

(LPA)

I, Julio Courtwright as Clerk of the City of New Philadelphia
(LPA)

of Tuscarawas County, Ohio, do hereby certify that the foregoing is a true and correct copy of

Ordinance 21-2021 adopted by the legislative Authority of the said

(Motion/Ordinance/Resolution)

City of New Philadelphia on the 11 day of October, 2021.

(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 11 day of October 2021.

SEAL

Julio Courtwright

(Clerk)

City of New Philadelphia of Tuscarawas County, Ohio

(LPA)

Joe Gaudin Jr. Mayor

Donald C Kemp, Pres. of Council