

RESOLUTION NO. 01-18
CITY OF CENTERVILLE

SPONSORED BY COUNCILMEMBER J. Anne Rau ON THE 22nd
DAY OF January, 2018.

A RESOLUTION ENACTED BY THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA) IN THE MATTER OF THE STATED DESCRIBED PROJECT (PID NO. 102981, MOT SR 725/SR 741).

WHEREAS, the Ohio Department of Transportation (“ODOT”) and the City of Centerville (“LPA”) have determined the need for the following described projects:

To smooth seal State Route 725 (SLM 15.26 to 18.18, more or less) & State Route 741 (SLM 1.00 to 3.17, more or less) in Montgomery County with a portion in the City of Centerville.

This project will also install concrete “S” median on SR 725 at the intersection with Washington Village Drive to restrict side street thru and left turn movements while still allowing left turns from SR 725; and

WHEREAS, the work being in the public interest, the LPA wishes to give consent to the Director of Transportation to complete the above described project.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1 – Consent Statement: Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section 2 - Cooperation Statement: That 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 State shall assume and bear 100% of all of the costs of the improvement. The LPA 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.

Section 3 - Authority to Sign: That the City Manager, is hereby empowered on behalf of the City of Centerville, the LPA, to enter into the 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 execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Centerville to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or

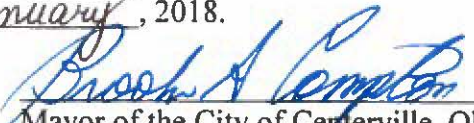
corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

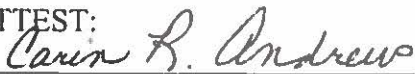
Section 4 – Utilities and Right-of-Way Statement: That the LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs. 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 5 – Maintenance: That 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 6: That this resolution shall be effective at the earliest date allowed by law.

PASSED this 22nd day of January, 2018.


Mayor of the City of Centerville, Ohio

ATTEST:

Clerk of Council
City of Centerville, Ohio

Approved as to form, consistency
with existing ordinances, the Charter
and Constitutional Provisions
Department of Law
Scott A. Liberman
Municipal Attorney

CERTIFICATE OF COPY
STATE OF OHIO

City of Centerville
Montgomery County

I, Carin R. Andrews, as Clerk of the City of Centerville, Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution Number 01-18, adopted by the Council of the said City of Centerville on the 22nd day of January, 2018.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal, this January 22, day of 2018.

Carin R. Andrews

Carin R. Andrews
Clerk of Council, City of Centerville, Ohio