

RESOLUTION NO. 61-18

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beale ON THE 15<sup>th</sup> DAY OF October, 2018.

A RESOLUTION ENACTED BY THE CITY OF CENTERVILLE, OHIO, HEREINAFTER REFERRED TO AS THE PRELIMINARY LEGISLATION FOR PARTICIPATORY LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA" IN THE MATTER OF THE MOT-SR 48 - 5.39 PROJECT, PID NO. 107160.

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

*Reconstruct the traffic signal at the intersection of State Route 48 and Whipp Road. This will allow backplates and advanced detection to be installed. Radius improvements to the Southeast corner and LED Street Name Signs will be made at 100% expense to the City of Centerville.*

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

**SECTION I – Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION II – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project as well as any other agreements necessary to develop and construct the Project.

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 LPA requested 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.

### **SECTION III Authority to Sign**

The LPA hereby authorizes the City Manager of said City of Centerville to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project.

Upon 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 IV – 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 V – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for LPA requested items 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** - This resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 15<sup>th</sup> day of October, 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

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Centerville of Montgomery County, Ohio  
(LPA)

I, Carin R. Andrew, as Clerk of the City of Centerville  
(LPA)

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

61-18 adopted by the legislative Authority of the said  
(Motion/Ordinance/Resolution)

City of Centerville on the 15<sup>th</sup> day of October, 2018.  
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my  
official seal, if applicable,  
this 15<sup>th</sup> day of October 2018.

SEAL

Carin R. Andrew  
(Clerk)

Ohio

City of Centerville of Montgomery County,  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")