

RESOLUTION NO. 8-07
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gresham ON THE
19th DAY OF February, 2007.

A RESOLUTION ALLOWING THE CITY TO ENTER INTO AN AGREEMENT TO RECEIVE FUNDS FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR CLEAN OHIO TRAILS FUNDS FOR THE CONSTRUCTION OF THE IRON HORSE TRAIL FROM HEMPSTEAD STATION DRIVE IN KETTERING, SOUTHWARD TO THE I-675 LIMITED ACCESS RIGHT-OF-WAY IN CENTERVILLE ALONG THE ABANDONED RAILROAD CORRIDOR.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the Recreational Trails Program (RTP) and/or the Clean Ohio Trails Fund, and

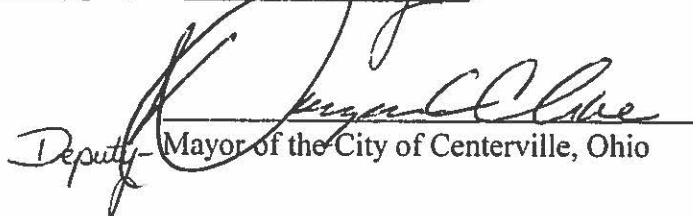
WHEREAS, the City of Centerville, together with the Centerville-Washington Park District and the City of Kettering, is eligible for financial assistance through the Clean Ohio Trails Fund Program.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the Council of the City of Centerville endorses an Agreement with the Ohio Department of Natural Resources for Clean Ohio Trails Fund Program for funding to construct the Iron Horse Trail and commits the necessary local funds for the project development and the matching construction funds, a copy of the Project Description is attached hereto, marked as Exhibit "A" and incorporated herein.

Section 2. That Gregory B. Horn, City Manager, is hereby authorized and directed to do all things necessary to execute the agreement with the Ohio Department of Natural Resources in order to receive funding related to the design and construction of the Iron Horse Trail project. A copy of said Agreement is marked as Exhibit "B", attached hereto and incorporated herein.

PASSED this 19th day of February, 2007.


Deputy Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 8-07 passed by the Council of the City of Centerville, Ohio on the 19th day of February, 2007.

Debra A. James
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney

EXHIBIT "A"

The Iron Horse Trail is one component of a network of trails throughout Centerville, Washington Township and Kettering that is designed to link residents into the regional system of trails extending throughout southwest Ohio. This is a cooperative project between the City of Centerville, the Centerville-Washington Park District and the City of Kettering to convert 1.9 miles of former railroad corridor into a shared-use recreation trail.

The communities of Centerville and Washington Township recently adopted a Multi-Use Trail Plan after receiving public input. According to the community survey, 65% of respondents preferred a separate paved trail. As a majority of Centerville is already developed, the Iron Horse Trail is one of the few remaining corridors that can provide this type of multi-use trail. The 10' asphalt trail will provide access for 18,000 residents of these communities to parks, schools, churches and businesses; thus promoting non-motorized forms of transportation.

The City of Centerville, the Centerville-Washington Park District, and the City of Kettering have determined that it is in the best interest of the public and of their respective organizations to seek funding to construct, operate, and maintain the segments of the Iron Horse Recreation Trail and Kettering Recreation Trail. These new segments of trail will link to the current Kettering Recreation Trail by extending the former railroad right-of-way from Hempstead Station Drive in Kettering, southward to the I-675 limited access right of way in Centerville.

The City of Centerville and the Centerville-Washington Park District will jointly bear responsibility for funding, operating and maintaining the trail from the corporate line, south to I-675. The City of Kettering will bear sole responsibility for funding, operating and maintaining the trail from the corporate line, north to Hempstead Station Drive.

The City of Centerville, the Centerville-Washington Park District, and the City of Kettering will pursue funding for construction of the Iron Horse Recreation Trail and Kettering Recreation Trail extension by submitting a joint grant application to the Clean Ohio Trails program. The City of Centerville, the Centerville-Washington Park District, and the City of Kettering will commit the 35% local match funds necessary to construct their respective portions of the trail, as determined to be: City of Centerville – 45.5%; Centerville-Washington Park District – 45.5%, City of Kettering – 9%, as required by the Clean Ohio Program. The amount of funding requested will be spent on the trail in the organization's respective segments according to the percentages stated.

Should the grant be awarded, the three organizations will proceed with construction of the Recreation Trail. The City of Centerville will be the lead agency in the administration of the grant. The City of Centerville will bid out and administer the appropriate contracts for the construction of the entire trail, and shall serve as project coordinator for the construction project.

Immediately upon completion of trail construction, The City of Centerville, the Centerville-Washington Park District, and the City of Kettering will open their respective connectors to the public. Each organization shall maintain its respective segment to the high standards of the industry, and the trail segments shall remain accessible to the public in perpetuity.

**CLEAN OHIO TRAILS FUND
STATE/LOCAL PROJECT AGREEMENT**

The State of Ohio, represented by the Ohio Department of Natural Resources, and the City of Centerville, (hereinafter referred to as the Project Sponsor) agree to provide a recreation trail project as follows:

Iron Horse Trail COTF-092

- A. **The Project Sponsor agrees to Engineering and construction of an approximately 1.9 mile asphalt multi-use trail in the northern portion of Centerville. Trail will run from Iron Horse Park to Hempstead Station Dr. in Kettering, where it connects to the Kettering Recreation Trail.**

The project sponsor signatory to this State/Local Project Agreement agrees to complete this project on or before June 30, 2009.

And to perform in compliance with the terms, promises, conditions, plans, specifications, estimates, procedures, maps, and assurances set forth in the Project Proposal, included by reference as if fully set out herein, and the General Provisions attached hereto and hereby made a part thereof; (1) promptly submit to the State of Ohio, such reports and documents as the Ohio Department of Natural Resources may request; (2) report any and all income gained on the property or facilities during the project period; (3) operate, maintain, and keep for public recreation the property or facilities acquired, developed or maintained pursuant to this agreement, and refrain from conversion unless a proposed change is approved by the State of Ohio; (4) display a suitable sign acknowledging the Clean Ohio Trails Fund assistance.

- B. The State of Ohio hereby agrees to (1) obligate the Project Sponsor funding assistance **not to exceed \$200,000.00** from Ohio's fiscal allocations made available under the provisions of the Clean Ohio Trails Fund and Am. Sub. H. B. 3 (O.R.C. 1519.05); (2) upon receipt of tangible proof of actual eligible costs paid by the Project Sponsor in performing this agreement, reimburse the Project Sponsor funds equal to no more than seventy-five (75) percent of such eligible costs.
- C. Obligations of the State of Ohio are subject to the provisions of the Ohio Revised Code Section 126.07 which provides that the Director of Budget and Management must certify that there is a balance in the appropriation which may satisfy the contractual obligation.
- D. The State of Ohio and the Project Sponsor mutually agree to perform this agreement in accordance with the policies and procedures set forth by the Ohio Department of Natural Resources and the guidelines set forth in the Clean Ohio Trails Fund Project Guidelines and Application Booklet. Failure to comply with or show sufficient progress in complying may result in the termination of this agreement.
- E. If the project requires plans and specifications, assure all construction plans and specifications have been approved and stamped by a registered professional engineer and/or architect and assure completion of the work in accordance with the approved construction plans and specifications. Plans and specifications comply with the Architectural Barriers Act of 1968 (Public Law 90-480), DOI Section 504 Regulations (43 CFR Part 17) and ensure compliance with these specifications by the contractor. Assure compliance with all applicable Federal, State, and local laws and regulations pertaining to public competitive bidding for construction contracts, procurement of equipment and materials, and prevailing wage rates.

Iron Horse Trail

COTF-092

Upon acceptance of funds through the Clean Ohio Trails Fund for **Iron Horse Trail**, the **City of Centerville** agrees to comply with the responsibilities outlined below.

1. Property acquired or developed with assistance from the Clean Ohio Trails Fund will be retained and used for public recreation purposes. The property and/or facilities will be kept open for the general public's use during reasonable hours and during appropriate seasons of the year, according to the type of use occurring on the site. The use of the property and/or facilities will not be changed from that approved when Clean Ohio Trails Fund assistance was obtained without prior written approval from ODNR.
2. The property will be operated and maintained so as to be safe, attractive, and inviting to the public. Sanitation and sanitary facilities will be maintained to comply with applicable state and local health standards. Buildings, recreation and support facilities, and other improvements will be kept in reasonable repair throughout their estimated life expectancy to prevent undue deterioration.
3. Any new facility constructed on an area purchased or developed with Clean Ohio Trails Fund will, whenever possible, be designed to accommodate people with disabilities. Any modifications to existing structures will also include handicap accessible design considerations. It is understood that this requirement is applicable to any construction occurring on a Clean Ohio Trails Fund assisted area, regardless of the funding source for the improvement.
4. User fees charged for facilities acquired or developed with Clean Ohio Trails Fund funds will be reasonable for all users and will not create unfair competition with private enterprises offering similar services. Excess revenues from user fees at the project site will be returned to the public in the form of expanded facilities or services at the funded site.
5. A Clean Ohio Trails Fund acknowledgment sign will be prominently displayed at the site or facility acquired or developed with Clean Ohio Trails Fund assistance.
6. Discrimination on the basis of residence, including preferential fees, reservations, membership systems, is prohibited. Compliance with federal, state, and local laws pertaining to non-discrimination in employment practices, facility and area use, minimum wages, conflict of interest, solicitations for contract bids, bid awards, etc., will be met at all times. No person will be discriminated against or be excluded from participating in any program or activity on the grounds of race, color, sex, religion, national origin, ancestry, age, or handicap.

In witness whereof, the parties hereto have executed this agreement as of the date entered below:

The State of Ohio

City of Centerville

 Paul R. Baldrige, Acting Chief
 Division of Real Estate & Land Management
 Ohio Department of Natural Resources
 Designee For:
 Sean D. Logan, Director

 By: _____
 (Signed)
 Title: _____

Date: _____