

RESOLUTION NO. 35-83
CITY OF CENTERVILLE, OHIO

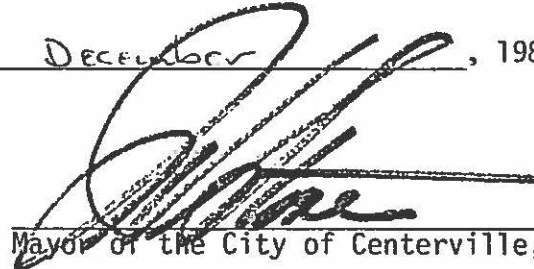
SPONSORED BY COUNCILMAN James Singer ON THE 19th
DAY OF December, 1983.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A REAL ESTATE AGREEMENT BETWEEN THE CITY OF CENTERVILLE, OHIO, AND THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, IN THE MATTER OF REAL ESTATE ACQUISITION FOR THE IMPROVEMENT OF BIGGER ROAD IN THE CITY OF CENTERVILLE, OHIO.


THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is hereby authorized and directed to enter into a Real Estate Agreement between the City of Centerville, Ohio, and the State of Ohio, Department of Transportation, a copy of which is attached hereto as Exhibit "A" and incorporated herein, which provides for the acquisition of real estate to widen and reconstruct Bigger Road in the City of Centerville.

PASSED this 19th day of December, 1983.


Mayor of the City of Centerville, Ohio

ATTEST:


Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution Number 35-83, passed by the Council of the City of Centerville, Ohio, on the 19th day of December, 1983.


Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter and constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

Mr. Darryl K. Kenning
City Manager, City of Centerville
100 West Spring Valley Rd.
Centerville, Ohio 45459

Re: MOT - Bigger Road
Federal Project No. H-1N30(2)
State Job No. 08305(1)
Real Estate Agreement No. 0276

Dear Sir:

Ordinance/Resolution No. 16-78 passed by the City of Centerville and subsequently accepted and journalized by the Director of Transportation provides for cooperation with the State on the acquisition of right of way on the above referenced project, which is described as follows:

To widen and reconstruct Bigger Road in Centerville and Kettering from SR 275 to Andrews Road.

Discussions and understandings between representatives from our organizations in reference to the acquisition of rights of way must now be officially set forth and agreed upon. If you agree on the following facts and stipulations, please sign all copies of this agreement and return it to this office together with the payment of Invoice No. RE0256. The State will authorize acquisition of right of way as soon as it has entered into an agreement with the Federal Highway Administration that will permit concurrent reimbursement of right of way acquisition costs on this project, and when a project work plan, right of way plan and environmental requirements are accomplished.

The estimated right of way cost pertinent to this agreement based upon the right of way plans and work plan is Two Hundred Seventy Nine Thousand Eight Hundred Fifty Dollars.

This is composed of the following:

Utility Costs	\$ 27,900.00
Relocation Costs	500.00
Property Costs	217,700.00
Incidental Costs	13,000.00
Labor: State	20,750.00
Total	<u>\$279,850.00</u>

This project, as programmed, provides for participation in project right of way costs as follows:

Federal Funds	75%
City Funds	25%

It is agreed that the total estimated costs will not be exceeded until, (1) a revised work plan is submitted, (2) a modification to this agreement is received, and (3) a modified State-Federal agreement, if applicable, is received.

The State will acquire the additional right of way necessary for the proposed project in the name of the City of Centerville or the City of Kettering as appropriate and in accordance with Section 163.51 through 163.62, inclusive, of the Revised Code of Ohio. The State will perform the acquisition of right of way in the same manner as if the project were a State Highway project, except that

the local agency will appropriate, under Chapter 163, properties that the State is unable to negotiate for the project. Acquisition of right of way as used herein includes title work, appraisal, negotiations, relocation assistance, acquisition price and related costs.

Warrants for payment of Relocation, Property and Incidental costs will be issued by the City of Centerville. Warrants for Utility Relocation Costs will be issued by the State.

Prior to the State's commencement of acquisition of the right of way, the City of Centerville will deposit the sum of \$12,162.50 which is estimated to be its portion of the right of way costs for the project.

It is understood and agreed by the legislative authority that costs incurred for the City of Centerville that are subsequently determined to be ineligible for State and/or Federal participation will be refunded to the State upon invoicing by the State and prior to any rebuttal.

Costs incurred by the City of Centerville which are eligible for participation in the project will be submitted in accordance with procedures set forth in "Local Government Expenditure and Credit Manual", supplement to Directive No. 31-A.

It is agreed that the City of Centerville will reimburse the State for all State and Federal monies spent on the project that were not covered by the deposit if the project is eventually cancelled or does not progress to construction.

Any overdeposit by the legislative authority for right of way costs will be credited to the legislative authority's share of the construction costs of the project.

Attest:

Date _____

Attest:

Date _____

By _____

Contractual Agent/Legislative Authority

State of Ohio

Real Estate Coordinator

kfl

Attachment

Invoice No. RE0256