

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF RESURFACING PORTIONS OF SR 309D, SR 423D/423, SR 529, AND SR 4

Section I – Project Description

WHEREAS, the City has identified the need for the described project:

This project proposes to resurface portions of SR 309D, SR 423D/423, SR 529, and SR 4 and to retrofit signals within the City limits, together with associated work.

NOW THEREFORE, be it ordained by the City of Marion, Ohio;

Section II – Consent Statement

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

Section III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

The Ohio Department of Transportation shall assume and bear one hundred percent of the necessary costs of the State's highway improvement project; the City's share of the cost for project is estimated to be \$128,000.

The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

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 the described Project in accordance with all applicable state and federal law, including but not limited to Title 23 USC 116; (2) provide ample financial resources, 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 – Authority to Sign

The Mayor is hereby empowered on behalf of the City to enter into contracts with Director of Transportation necessary to complete the above described project.

Section VII – Emergency

This Ordinance is hereby declared to be an emergency measure to expedite the transportation Project and to promote transportation safety and to meet deadlines. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council