

RESOLUTION 5-2021

A RESOLUTION BY THE CITY OF NEW PHILADELPHIA AUTHORIZING THE MAYOR TO PREPARE AND EXECUTE AN APPLICATION FOR TRANSPORTATION ALTERNATIVE PROGRAM THROUGH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION FOR THE BICYCLE AND PEDESTRIAN CONNECTIVITY PROJECT, PHASE I AND DECLARING AN EMERGENCY AND BE IN FORCE IMMEDIATELY UPON ITS PASSAGE TO MEET THE TRANSPORTATION ALTERNATIVE PROGRAM DEADLINE, AND DECLARING AN EMERGENCY.

WHEREAS, The City of New Philadelphia of Tuscarawas County, Ohio, is a Local Public Agency (LPA); and

WHEREAS, the United States Congress has set aside monies for Transportation Enhancement Projects through the State of Ohio, Department of Transportation; and

WHEREAS, LPAs can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the Bicycle and Pedestrian Connectivity Project, Phase I is a transportation activity eligible to receive federal funding; and

WHEREAS, if requested funds are granted, the City shall be responsible for at least five (5%) percent\* of the construction costs, and for 100% of all other costs associated with the architecture/engineering plans, environmental studies and documentation, right-of-way plans, and right-of-way acquisition, if necessary.

NOW, THEREFORE BE IT RESOLVED by Council of the City of New Philadelphia, State of Ohio, that:

SECTION 1: The Mayor of said LPA is hereby empowered on behalf of the LPA to prepare and execute an application for funds through the Transportation Alternative Program for the stated described project and to submit same to the State of Ohio, Department of Transportation.

SECTION 2: The total project cost is estimated to be, \$3,048,306.00 of which the LPA, if awarded the funds, commits to pay at least five (5%) percent\* (hereinafter known as the local portion) of the actual construction cost eligible for ODOT TAP funding, The LPA further agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation and for all costs associated with design, environmental and right-of-way activities, currently estimated to be \$441,541.00 (Local Share/other Funding).

SECTION 3: Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample

financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

SECTION 4: If the application is approved for the funding the Mayor of said LPA is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project, which includes the bidding process.

SECTION 5. This Resolution is hereby declared to be an emergency measure and its immediate passage is necessary in order to preserve, protect and maintain the health, safety and welfare of the citizens of the City of New Philadelphia, Ohio.

SECTION 6. This Resolution shall take effect and be in force immediately upon its passage and approval.

PASSED: January 25, 2021

ATTEST:

Julie Courtright  
JULIE COURTRIGHT  
CLERK OF COUNCIL

Donald C. Kemp  
DONALD C. KEMP  
PRESIDENT OF COUNCIL

APPROVED:

Joel B. Day  
MAYOR JOEL B. DAY

SPONSORED BY: SPECIAL AND CONTACT COMMITTEE