

ORDINANCE NO. 22-2016

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED PROJECT DESCRIBED HEREIN, AND DECLARING AN EMERGENCY.

SECTION I – Project Description

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

Being the removal of an average three (3) inches and the resurfacing with an average three (3) inches of asphaltic concrete on State Route 416 from the New Philadelphia South Corporation Limit (SLM 9.85) to the New Philadelphia North Corporation Limit (SLM 12.98); length 16,526 ft., width varies from 21 to 72 ft.

NOW THEREFORE, be it ordained by the city of New Philadelphia, 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 agrees to assume and bear the entire cost of the improvement less the amount of Federal and State Funds set aside by the Director of Transportation for financing the improvement from funds allocated by the Federal Highway Administration.

In addition, the city also agrees to assume and bear 100 % of the cost of any construction items requested by the city on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City. The city shall adjust any existing castings, as required, with City forces.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also

understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall 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 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 such 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 purposes.

SECTION VI – Authority to Sign

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

SECTION VII

This Ordinance 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 VIII

This Ordinance shall take effect and be in force immediately upon its passage and approval.

PASSED: January 9, 2017

ATTEST:

Julie Courtright
JULIE COURTRIGHT
CLERK OF COUNCIL

Sam R. Hitchcock
SAM R. HITCHCOCK
PRESIDENT OF COUNCIL

APPROVED:

Joel B. Day
MAYOR JOEL B. DAY

SPONSORED BY: SAFETY, HEALTH, AND SERVICES COMMITTEE