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RESOLUTION NO. 2024-34

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AND EXECUTE CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION WHICH ARE NECESSARY TO COMPLETE THE ROADWAY AND SIDEWALK PROJECT ON OHIO AVENUE AND DECLARING AN EMERGENCY

4/24/2024

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance/Resolution # : 2024-34

PID No.: 117538

County/Route/Section: JAC-CR 510-0.00

Agreement No: _____

The following is a/an Resolution 2024-34 enacted by the City of Wellston of Jackson County,
(Motion/Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Roadway and sidewalk work on Ohio Avenue (CR 510) in the City of Wellston.

NOW THEREFORE, be it ordained by the City of Wellston of Jackson County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA 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.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

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The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV Authority to Sign

The LPA hereby authorizes Service Director of said City of Wellston to
(Signature authority) (LPA-or its division, department or agency)
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Service Director is also empowered to execute any appropriate documents to
(Signature authority) (LPA)
affect the assignment of all rights, title, and interests of the City of Wellston to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V – 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 VI – 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 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.

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SECTION VII-Emergency measure
(as applicable)

The Resolution 2024-34 is hereby declared to be an emergency measure to expedite the highway project and
(Motion/Ordinance/Resolution)
to promote highway safety. 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.

Passed: May 2, 2024.
(Date)

Attested: MB Epinaugh
(Clerk)

[Signature]
(Contractual Agent of LPA – title)

[Signature]
[Signature]
[Signature]

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**CERTIFICATE OF COPY
STATE OF OHIO**

City of Wellston of Jackson County, Ohio
(LPA)

I, Mindy Eisnaugle, as Clerk of the City of Wellston of Jackson County, Ohio,
(LPA)

do hereby certify that the foregoing is a true and correct copy of

Resolution 2024-34 adopted by the legislative Authority of the said
(Motion/Ordinance/Resolution)

City of Wellston on the 2nd day of May, 2024.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this 2nd day of May, 2024.

SEAL

M. Eisnaugle
(Clerk)

City of Wellston of Jackson County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Wellston of Jackson County, Ohio.

Attested: M. Eisnaugle
(Clerk's Signature)

[Signature]
(Contractual Agent's Signature)

Date _____

For the State of Ohio

Attested: _____

(Director, Ohio Department of Transportation)

Date _____