

## RESOLUTION NO. R-17-05

ADOPTING PRELIMINARY LEGISLATION FOR ODOT URBAN PAVING PROJECT TO PAVE PORTIONS OF US 68 AND SR 134 WITHIN THE LIMITS OF THE CITY OF WILMINGTON; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington (hereinafter referred to as the Local Public Agency (LPA)) has identified the need to pave portions of US 68 and SR 134 within the City limits; and

WHEREAS, the City of Wilmington agrees with the terms of the Ohio Department of Transportation Preliminary Legislation document, attached hereto and incorporated herein as "Exhibit A."

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, OHIO OF CLINTON COUNTY, OHIO.

### **SECTION I — Project Description**

WHEREAS, The LPA/STATE has identified the need for the following described project:

*Urban Paving in the City of Wilmington on US 68 from the southern Corporation limit to US22/SR3 and on SR 134 from US 68 to the northern Corporation limit.*

### **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 will be responsible for:

- 100% of the Preliminary Engineering Phase
- 100% of the Right-of-Way Costs
- 100% of the non-State and/or non-Federal share of the construction costs
- All costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and the Federal Highway Administration

### **SECTION IV – Utilities and Right-of-Way Statement**

The LPA agrees that 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 includes eligible utility costs.

The LPA agrees that all utility accommodation, relocation, and reimbursement and agrees that such accommodation, 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 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 purposes.

**SECTION VI – Authority to Sign**

The Service Director of said City of Wilmington is hereby empowered on behalf of the City of Wilmington to enter into contracts with the ODOT prequalified consultants for the preliminary phase of the Project and enter into contracts with the Director of Transportation which is necessary to complete the above described project.

Upon request of ODOT, the Service Director is also empowered to assign all rights, title, and interests of the City of Wilmington to ODOT arising from its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to error or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

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 the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specification 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 completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.


**SECTION VII – EMERGENCY RESOLUTION**

This Resolution is hereby declared to be an emergency measure to expedite the highway project and 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.

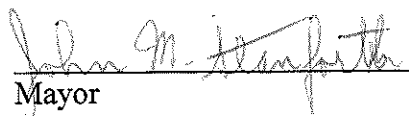
Passed this 5th day of January, 2017.

  
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President of Council

ATTEST:

  
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Clerk of Council

Approved by me this 5th day of January, 2017.

  
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Mayor