

ORDINANCE 2011- 41

AN ORDINANCE ESTABLISHING
PRELIMINARY LEGISLATION FOR THE
CONSENT OF THE CITY OF WAPAKONETA
TO THE OHIO DIRECTOR OF
TRANSPORTATION FOR THE COMPLETION
OF A RESURFACING PROJECT AND
DECLARING AN EMERGENCY
PID No. 91005
AUG IR 75 4.51

FIRST READ	SECOND READ	THIRD READ		SUSPEND ADOPT			
				YES	NO	YES	NO
			J NEUMEIER				
			D, LEE				
			B WURST				
			D GRAF				
			W WELLS				
			S WALTER				
			T FINKELMEIER				
			TOTAL				

WHEREAS, the State of Ohio, through the Department of Transportation is proposing to resurface existing pavement on a portion of Interstate 75 in Auglaize County, Ohio; and

WHEREAS, a portion of this project is within the corporation limits of the City of Wapakoneta; and

WHEREAS, it is necessary for the State of Ohio (“STATE”) to obtain consent legislation from the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wapakoneta, County of Auglaize, State of Ohio (hereinafter referred to as the “CITY”), to-wit:

SECTION ONE
Project Description

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

To resurface the existing pavement with a double course application of micro-surfacing from 0.46 miles South of US Route 33, Straight Line Mileage 4.51, to the Allen/Auglaize County Line at Straight Line Mileage 12.52, plus or minus, in the City of Wapakoneta, Auglaize County, Ohio. Said project is further identified **AUG IR 75 4.51**.

SECTION TWO
Consent Statement

That, being in the public interest, the CITY gives consent to the Director of Transportation to complete the above described project.

SECTION THREE
Cooperation Statement

That, the CITY shall cooperate with the Director of Transportation in the above-described project as follows:

The CITY has ***no obligation*** for costs for the project as described in Section One. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the CITY also agrees to pay One-Hundred Percent (100%) of those features requested by the CITY which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

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 FOUR
Utilities and Right-of-Way Statement

That, the City agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The CITY also understands that right-of-way costs include eligible utility costs. The CITY agrees to be responsible for all utility accommodation, relocation, and reimbursement and will comply with the current provisions of 23CFR 645 and the ODOT Utilities Manual.

SECTION FIVE
Maintenance

That, upon completion of the Project, and unless otherwise agreed, the CITY 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 highway purposes.

SECTION SIX
Authority to Sign

That, the Director of Public Safety and Service of said City of Wapakoneta is hereby empowered on behalf of the City of Wapakoneta to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION SEVEN
Emergency Measure

That, this Ordinance is hereby declared an emergency measure, it being for the protection, safety and welfare of the citizens of Wapakoneta, Ohio and for the further reason to expedite the highway project(s) 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.

Attest:

Passed this _____ day of
_____, 2011

Clerk of Council

President of Council

Approved:

Approved as to form:

Mayor

City Law Director

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE/RESOLUTION WAS PUBLISHED IN THE WAPAKONETA DAILY NEWS, A NEWSPAPER OF GENERAL CIRCULATION IN AUGLAIZE COUNTY, OHIO AND APPEARED IN ITS ISSUES OF _____ AND _____.

CLERK OF COUNCIL