

PRELIMINARY LEGISLATION

RC 5521.01

Ordinance/Resolution# R-2006-15
PID No. 78012
County/Route/Section POR-SR303-18.82
ODOT Agreement No. _____

The following is Resolution R-2006-15 enacted by the Village of Windham
(An-Ordinance Resolution) (Local Public Agency)
Portage County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in
the matter of the stated described project.

SECTION I - Project Description

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

Removing existing 5'x4' box culvert and to replace with precast structure, just west of Wilvern Street.

NOW THEREFORE, be it ordained by the Village of Windham of Portage County
(LPA)
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 LPA further agrees to pay One Hundred Percent (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.

SECTION IV - Utilities and Right-of-Way Statement

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. 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 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 law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described 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 VI - Consultants and Authority to Sign

The Village Administrator of said V. of Windham is hereby empowered on behalf of
(Contractual Agent) (LPA)
the V. of Windham to enter into contracts with ODOT pre-qualified consultants
(LPA)
for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Village Administrator is also empowered to assign
(Contractual Agent)
all rights, title, and interests of the Village of Windham to ODOT arising from
(LPA)
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.

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 "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.

Passed: DECEMBER 18, 20 06
(Date)

Attested: Mary C. Rollman VILLAGE FISCAL OFFICER
(Clerk) VILLAGE FISCAL OFFICER (Officer of LPA - title)

Attested: MAYOR C. James Moore
(Title) (President of Council)
MAYOR

This RESOLUTION R-2006-15 is hereby declared to be an emergency measure to expedite the
(Ordinance/Resolution)
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.

CERTIFICATE OF COPY
STATE OF OHIO

Village of Windham of Portage County, Ohio
(LPA)

I, Lloyd Bitlman, as Clerk of the Village of Windham
(LPA)

of Portage County, Ohio do hereby certify that the forgoing is a true and
correct copy of Resolution 2006-15 adopted by the legislative Authority of the said
(Ordinance/Resolution)

Village on the 18TH day of DECEMBER, 2006
(LPA)

that the publication of such Resolution has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such
Resolution have been taken; and that such Resolution
(Ordinance/Resolution)

and certificate of publication thereof are of record in Resolution Page R 2006-15
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my
official seal, if applicable, this 19TH day of DECEMBER, 2006

Lloyd C. Bitlman
Clerk

(SEAL) VILLAGE of WINDHAM of WINDHAM, Ohio
(If Applicable) (LPA)

The foregoing is accepted as a basis for proceeding with the project herein
described.

For the VILLAGE of WINDHAM of WINDHAM, Ohio
(LPA)

Attest: Lloyd C. Bitlman VILLAGE FISCAL OFFICER, Date DEC 19, 2006

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation