

PRELIMINARY LEGISLATION

RC 5521.01

Ordinance/Resolution# 32

PID No. 101908

County/Route/Section POR-North Main Street

The following is a Resolution enacted by the Village of Windham of Portage County, Ohio, hereinafter
(An Ordinance/a Resolution) (Local Public Agency)
referred to as the Local Public Agency (LPA).

SECTION I – Project Description

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

Drainage improvements to North Main Street under the Ohio Turnpike in the Village of Windham.

NOW THEREFORE, be it ordained by the Village of Windham of Portage 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.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to assume and bear 100% of the entire cost of the improvement, less the amount of *Turnpike Mitigation funds set aside by the Director of Transportation for the financing of this improvement.*

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.

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.

(Optional-if required) The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV – 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 V – Authority to Sign

The Mayor and the Fiscal Officer of said Village of Windham are hereby empowered on behalf of the Village of Windham to enter into contracts with ODOT pre-qualified consultants 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 Mayor and the Fiscal Officer are also empowered to assign all rights, title, and interests of the Village of Windham 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.

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.

SECTION VII

The Resolution is declared to be an emergency measure, effective immediately upon passage by Council and approval by the Mayor, necessary to preserve the public health, safety, morals and general welfare of the citizens of the Village of Windham, and for the further reason to expedite the highway project and to promote highway safety.

SECTION VIII

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

PASSED: September 27, 2016

ATTEST:

APPROVED:

Fiscal Officer, Cheree M. Taylor

Deborah Blewitt, Mayor

APPROVED AS TO FORM:

Village Solicitor, Thomas Reitz