

**CONSENT LEGISLATION**

RC 5521.01

Ordinance/Resolution# 40

PID No. 101998

County/Route/Section D04 Crack Seal FY 2017

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 (LPA/STATE) has identified the need for the described project:

Village of Windham, Crack sealing sections of SR 303 within the village.

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 State shall assume and bear 100% of all of the costs of the 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.

**SECTION IV – 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.

**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 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 – Authority to Sign**

The Mayor and the Fiscal Officer of said Village of Windham is hereby empowered on behalf of the Village of Windham to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

**SECTION VII**

This Resolution is hereby declared to be an emergency measure 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.

**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: November 22, 2016

Vote of Council: Ayes: 6  
Nays: 0

ATTEST:

APPROVED:

\_\_\_\_\_  
Fiscal Officer, Cheree M. Taylor

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Deborah Blewitt, Mayor

APPROVED AS TO FORM:

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Village Solicitor, Thomas Reitz