

RESOLUTION 28-2020

A RESOLUTION CONSENTING TO OHIO DEPARTMENT OF TRANSPORTATION PROJECT PID 111195, D06 CITY NHS GUARDRAIL UPGRADE WITHIN THE VILLAGE OF COMMERCIAL POINT.

WHEREAS, the State of Ohio, acting through the Ohio Department of Transportation (ODOT), has identified the need for a project to replace/upgrade various guardrail end assemblies on S.R. 762 within the Village of Commercial Point corporate limits, as part of project PID 111195, D06 City NHS Guardrail Upgrade, and more fully depicted on the attached Exhibit A ("Project"); and

WHEREAS, the Village of Commercial Point is a Local Public Agency (LPA) for purposes of providing consent to ODOT to proceed with the proposed Project within the Village; and

WHEREAS, the Village of Commercial Point desires to consent to ODOT's completion of the above described Project within the Village; and

WHEREAS, construction for the above described Project is tentatively scheduled to commence in the spring of 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:

Section 1. Consent Statement. Being in the public interest, the Village gives consent to the Director of Transportation to complete the above described Project, which is more fully depicted on the attached Exhibit A, which is also incorporated herein by reference.

Section 2. Cooperation Statement. The Village shall cooperate with the Director of Transportation in the above described Project as follows:

- A. The Village hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;
- B. ODOT agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project; and
- C. The Village agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the Village which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section 3. Utilities and Right-of-Way Statement. The Village agrees that all rights-of-way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. Right-of-way costs include eligible utility costs. ODOT 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 C.F.R. 645 and the ODOT Utilities Manual.

Section 4. Maintenance. Upon completion of the Project, and unless otherwise agreed, the Village 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 resources, 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 5. Authority to Sign. The Village Administrator of the Village of Commercial Point, pursuant to Revised Code Section 735.273, is hereby empowered on behalf of the Village to enter into contracts with the Department of Transportation necessary to complete the above described Project.

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Section 6. Village Administrator to Carry Out Legislation. The Village Administrator is hereby authorized and directed to forward a fully-executed copy of this Resolution to ODOT and enter into any necessary contracts for the completion of the above described Project that are not inconsistent with this Resolution.

Section 7. Open Meetings Compliance Statement. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8. Effective Date. This Resolution shall go into effect at the earliest date permitted by law.

Vote on Suspension of the Readings:

Motion by: Tracy Joiner

2nd: Ryan Mitchem

Roll Call:

Yes Bruce Moore

Yes Tracy Joiner

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Laura Wolfe

Vote on Passage of the Resolution:

Motion by: Tracy Joiner

2nd: Ryan Mitchem

Roll Call:

Yes Bruce Moore

Yes Tracy Joiner

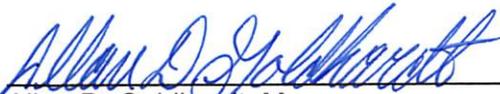
Yes Jason Thompson

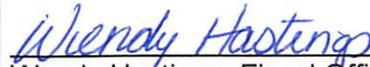
Yes Aaron Grassel

Yes Ryan Mitchem

Yes Laura Wolfe

Adopted this 14th day of September, 2020.


Allan D. Goldhardt, Mayor

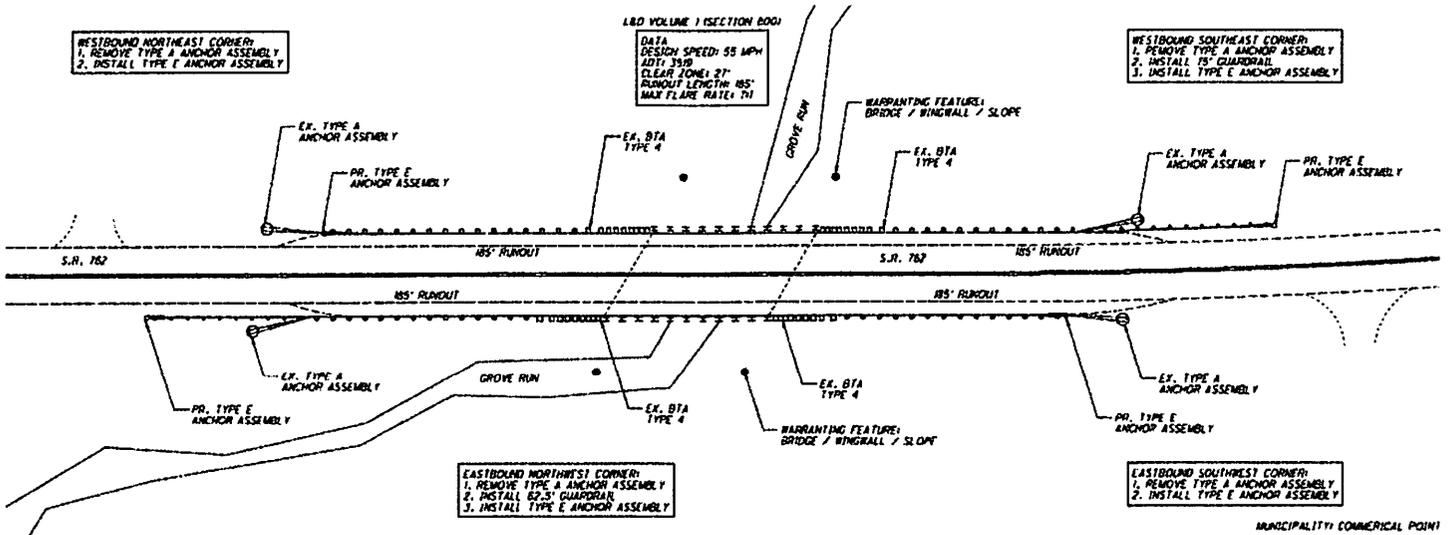

Wendy Hastings, Fiscal Officer

Approved as to Form:


Josh Cartee, Law Director

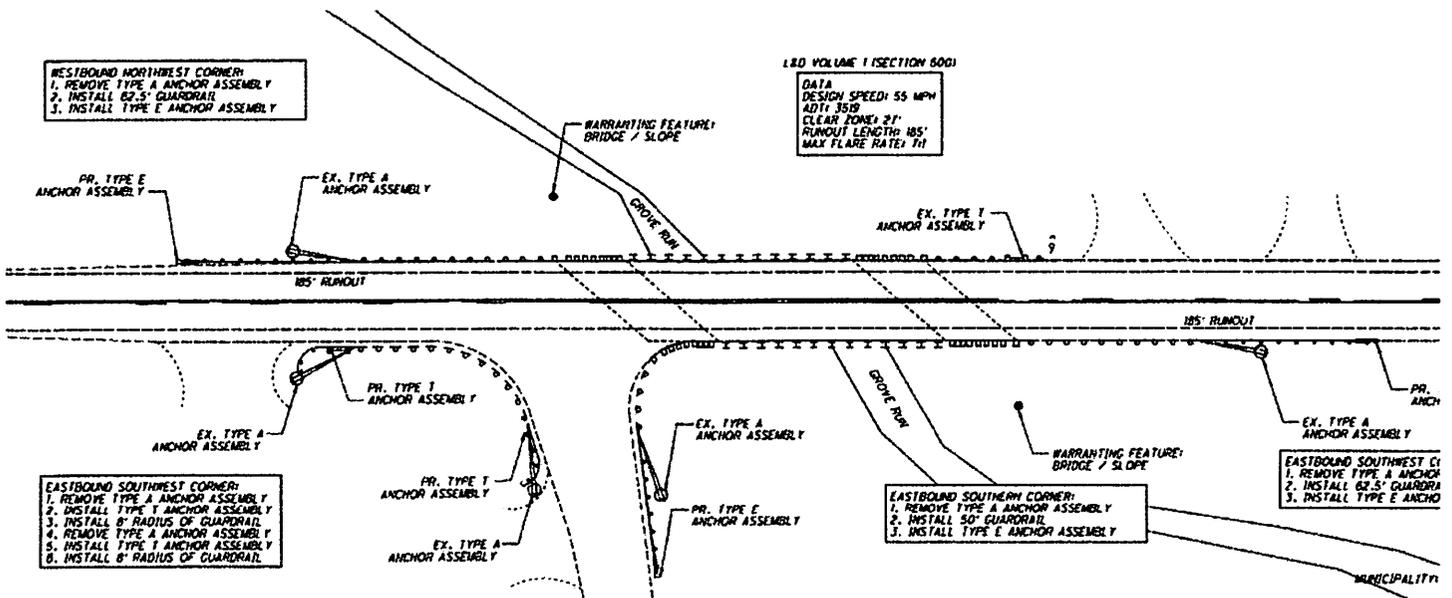
Exhibit A

Location 77:



PIC-762-6.72
 LOCATION 077 - COMMERCIAL POINT
 NW OF BROWN STREET

Location 78:



PIC-762-7.74
 LOCATION 078 - COMMERCIAL POINT
 BETWEEN BECKMAN LANE AND WALKER ROAD