

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 8/17/2021 WAIVE RULES? YES NO
 FINAL ACTION DATE: 8-19-2021 VOTE: YES NO

SUSPENSION OF TWO
READING RULE:

ADOPTION OF
ORDINANCE:

YES	NO		YES	NO
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	DENISE LINGO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	JENNIFER MOODY	<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ROBERT PARSONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	JOE ROETTING	<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	KISHA DOSA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CORDEL GEORGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CINDY SCHEETS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	TOTALS	<u>5</u>	<u>0</u>

RESOLUTION NO. 21-1169

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION WHICH ARE NECESSARY TO DEVELOP PLANS FOR AND TO COMPLETE THE BELOW-DESCRIBED PROJECT (PID# 108964); AND TO EXECUTE CONTRACTS WITH ODOT PRE-QUALIFIED CONSULTANTS FOR THE PRELIMINARY ENGINEERING PHASE OF THE PROJECT

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

Ordinance/Resolution # : 21-1169

PID No. : 108964

County/Route/Section : HAM US 127 10.23

LPA Federal ODOT-Let Project Agreement No: 36036

The following is a Resolution enacted by the City of Mt. Healthy of Hamilton County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Fiscal Year 2022 Urban Paving in the City of Mt. Healthy on a portion of US 127 from the southern to the northern corporation lines. This project will be sold together with the City of North College Hill FY2022 Urban Paving project (PID 108936).

NOW THEREFORE, be it resolved by the City of Mt. Healthy of Hamilton 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 as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the construction cost of the project.

The LPA further agrees to pay 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.

The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

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 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 IV Authority to Sign

The LPA hereby authorizes the City Manager of said City of Mt. Healthy to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Mt. Healthy 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.

SECTION V – 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.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA 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 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 VII-Emergency measure

That the City Council determines that this Resolution is an emergency measure required for the health, safety, and general welfare of the City of Mt. Healthy and its residents. The reason for the emergency is to expedite the highway/road project and to promote highway/road safety. This Resolution shall take effect and be in full force immediately upon its passage by Council and approval by the Mayor.

Passed this 19 day of AUGUST, 2021.

Ron Bottus
President of Council

Attest: Melanie Falc
Clerk of Council

Approved this 19 day of AUGUST, 2021.

[Signature]
Mayor

Attested: Melanie Falc
(Clerk)

[Signature]
(City Manager)

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Mt. Healthy of Hamilton County, Ohio
(LPA)

I, Melanie Brandtz, as Clerk of the City of Mt. Healthy
(LPA)

of Hamilton County, Ohio, do hereby certify that the foregoing is a true and correct copy of

21-1169 adopted by the legislative Authority of the said

(Motion/Ordinance/Resolution)

City of Mt. Healthy on the 19 day of AUGUST, 2021.

(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this 19 day of AUGUST 2021.

Melanie Brandtz
(Clerk)

SEAL

City of Mt. Healthy of Hamilton County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)