

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 8-21-18

WAIVE RULES? YES NO

FINAL ACTION DATE: 9-4-18

VOTE: YES NO

SUSPENSION OF TWO READING RULE:

YES	NO
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ADOPTION OF RESOLUTION:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>5</u>	<u>0</u>

- DENISE LINGO
- JENNIFER MOODY
- ROBERT PARSONS
- JUDY PETERSEN
- JOE ROETTING
- KISHA DOSA
- CORDEL GEORGE
- TOTALS

RESOLUTION NO. 18-1120

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MT. HEALTHY AND THE OHIO DEPARTMENT OF TRANSPORTATION PID No. 107296 County / Route / Section HAM. Mt. Healthy Signals

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).

WHEREAS, the LPA has determined the need for the described project:

Upgrades to the existing City of Mt. Healthy Signal System, covering 14 signalized intersections on Compton Road and Hamilton Avenue (US-127). Agreement No: 32509

NOW THEREFORE, be it ordained by the City of Mt. Healthy of Hamilton County, Ohio:

SECTION 1. 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.(attached Exhibit A)

SECTION 2. 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 cost of the project. The City of Mt. Healthy will be responsible for 100% of the Preliminary Engineering, plus the non-federal share of the Construction phase.

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.

PID No.: 107296

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 3. The LPA hereby authorizes City Manager of said LPA 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 LPA 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 4. 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 5. 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 6. That this Resolution is declared to be an emergency measure necessary for the public health, safety and welfare, and shall be in effect immediately of passage. The reason for the emergency is to expedite the highway project and to promote highway safety.

Passed this 4 day of September, 2018.

Ross Bittner
President of Council

Attest: Melanie Borz
Clerk of Council

Approved this 4 day of September, 2018.

[Signature]
Mayor