

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 10-20-2020 WAIVE RULES?  YES \_\_\_ NO \_\_\_  
FINAL ACTION DATE: 10-20-2020 VOTE:  YES \_\_\_ NO \_\_\_

SUSPENSION OF TWO READING RULE:

YES	NO
<input checked="" type="checkbox"/>	___
<input checked="" type="checkbox"/>	___
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DENISE LINGO  
JENNIFER MOODY  
ROBERT PARSONS  
JUDY PETERSEN  
JOE ROETTING  
KISHA DOSA  
CORDEL GEORGE  
TOTALS

ADOPTION OF RESOLUTION:

YES	NO
<input checked="" type="checkbox"/>	___
<input checked="" type="checkbox"/>	___
<input checked="" type="checkbox"/>	___
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RESOLUTION NO. 20-1152

**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 ABOVE-DESCRIBED PROJECT; 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)

Resolution # : 20-1152  
PID No. : 106426  
County/Route/Section : Ham Mt. Healthy SRTS 2017  
Agreement No. 34975

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 City of Mt. Healthy of Hamilton County, Ohio, has determined the need for the described project:

Construct sidewalks on the north side of Compton Rd, between Forest Ave and Werner Avenue. Construct curb ramps, providing crosswalk striping, and install signage at various locations on US-127.

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 cost of the project. ODOT will provide \$290,000 to be used on any phase of the infrastructure project (Design, Right of Way, or Construction). These funds are capped, and the City of Mt. Healthy will be responsible for providing any additional funds needed for 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.*

**PID No.: 106426**

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.

*\*\*(all of the above regarding the consultants is only needed if the LPA is responsible for the preliminary phase and design plans).*

## **SECTION IV Authority to Sign**

The LPA hereby authorizes the City Manager of said City of Mt. Healthy to enter into and execute contracts (Attached exhibit A) 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

**PID No.:** 106426

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**  
(as applicable)

The resolution is hereby declared to be an emergency measure to expedite the highway project 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.

Passed: October 20, 2020  
(Date)

Attested: Melanie B/C  
(Clerk)

WTH  
(Mt. Healthy City Manager)

W. Keith Koehn

City Manager

Passed this 20 day of October, 2020.

Alan Bitter  
President of Council

Attest: Melanie B/C  
Clerk of Council

Approved this 20 day of October, 2020.

[Signature]  
Mayor

**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  
the resolution adopted by the legislative Authority of the said

CITY OF MT. HEALTHY on the 20 day of October, 2020  
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2 \_\_\_\_\_.

**SEAL**

Melanie Brandtz  
(Clerk)

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.")