

ORDINANCE NO. 99-19

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE ACQUISITION OF RIGHT OF WAY ALONG TYLERSVILLE ROAD AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Mason, Ohio, **six (6)** members thereto concurring:

Section 1. That the City Manager is hereby authorized to enter into an agreement with the Ohio Department of Transportation for the acquisition of right-of-way along Tylersville Road, in accordance with the Real Estate Agreement submitted, which agreement shall be in substantially the same form as attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. That the Finance Director is hereby authorized to pay to the State of Ohio the amount of \$140,000.00, as set forth in the Real Estate Agreement attached hereto as Exhibit "A".

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to execute the agreement at the earliest possible date.

Passed this 25th day of January, 1999.

Vice Mayor James Dick Steen

Attest:

Carissa Schultz
Clerk of Council

REAL ESTATE AGREEMENT

January 20, 1999

Mr. Scot F. Lahrmer, City Manager
City of Mason
202 West Main Street
Mason, Ohio 45040

Re: Dist. 8, Warren County
War CR 57-2.188
(Tylersville Road)
SJN 082190
PID 10612
FPN TE21 G990 (296)

Dear Lahrmer:

Ordinance No.91-95, passed by the City Council of the City of Mason, Warren County, Ohio on September 23, 1991, and subsequently accepted and journalized by the Director of Transportation, provides for cooperation with the State on the acquisition of right of way on the above referenced project, which is described as follows:

Improve existing Tylersville Road extension from two (2) to four (4) lanes from US 42 to IR 71 in the City of Mason. Also, realign Stitt Road with a four-lane road and improve Western Row Road to five lanes.

Discussions and understandings between representatives from our organizations in reference to the acquisition of rights of way must now be officially set forth and agreed upon. If you agree to the following facts and stipulations, please sign all copies of this agreement and return them to the ODOT District 8 office together with the payment of the attached Invoice. Ohio Department of Transportation Real Estate Administration personnel will request acquisition authorization when a right of way plan has been submitted and environmental requirements are accomplished.

The estimated right of way cost pertinent to this agreement based upon the right of way plans and work plan is \$ 1,400,000.00

This is composed of the following:

Property Costs	1,306,000.00	(\$700,000.00 to be donated)
labor: State	<u>94,000.00</u>	
Total	\$1,400,000.00	

This project, as programmed, provides for participation in project right of way costs as follows:

Federal Funds	80 %
Local Funds	20 %

It is agreed that the total estimated costs will not be exceeded until, (1) a revised work plan is submitted, and (2) a modification to this agreement is received.

Prior to the State's commencement of acquisition of right of way, the City of Mason will deposit the sum of \$ 140,000.00 which is estimated to be 20% of the locals R/W share.

The State will act as an agent for the City of Mason in acquiring the additional right of way necessary for the proposed project. Title will be taken in the name of the City of Mason and in accordance with section 163.51 through 163.62, inclusive, of the Revised Code of Ohio. The State will perform the acquisition of right of way in the same manner as if the project were a State Highway project, except that the local agency will appropriate under Chapter 163, properties that the State is unable to negotiate for the project. Acquisition of right of way as used herein includes title research, appraisal, negotiations, relocation assistance, property management, building disposal, asbestos removal and utility relocation arrangements.

It is understood and agreed by the City of Mason that costs incurred for the City of Mason that are subsequently determined to be ineligible for Federal participation will be refunded to the State upon invoicing by the State and prior to any rebuttal.

Costs incurred by the City of Mason which are eligible for participation in the project will be submitted in accordance with procedures set forth in the Real Estate Administration Policies and Procedures Manual, Section 2.50, "Local Government Expenditure and Credit Manual."

Mr. Scot F. Lahrmer, City Manager, City of Mason
Real Estate Agreement for War CR 57-2.188, PID 10612
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It is agreed that the City of Mason will reimburse the State for all State and Federal monies spent on the project that were not covered by the deposit if the project is eventually canceled or does not progress to construction.

Any excess deposit by the City of Mason for right of way costs will either be credited to the City of Mason share of the construction costs of the project or returned to the City of Mason by the State, at the discretion of the Transportation Auditor.

It is understood by the City of Mason that disposal of unneeded portions of Highway rights-of-way or limited access rights will be subject to State and Federal Highway Administration approval.

"Policy" It is the Policy of the Department of Transportation that minority business enterprises as defined in 49CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this agreement.

Attest:

City of Mason

By

Scot F. Lahrmer, City Manager

Date

Attest:

Ohio Department of Transportation

By

District 8 Production Administrator

Date

Attachment, Invoice