

ORDINANCE NO. 2000-2

AUTHORIZING THE CITY MANAGER TO ENTER INTO A UTILITY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RELOCATION OF PUBLIC UTILITIES

WHEREAS, the State of Ohio has agreed to improve Tylersville Road; and

WHEREAS, in improving the highway, the State of Ohio will need to move or alter the location of certain waterlines and sanitary sewer lines owned by the City in the right-of-way of Tylersville Road; and

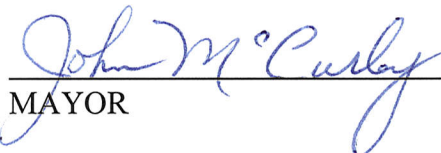
WHEREAS, the State of Ohio has obtained federal aid funds for the purposes of paying for the costs incurred in altering such waterlines and have proposed a utility agreement governing the proposed alteration.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, **seven** (7) members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to enter into an utility agreement with the State of Ohio under the terms and conditions set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. 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 proceed with the work on Tylersville Road at the earliest possible date.

Passed this 10th day of January, 2000.


MAYOR

ATTEST:


CLERK OF COUNCIL

12/20/99



OHIO DEPARTMENT OF TRANSPORTATION
CENTRAL OFFICE, P.O. Box 899, COLUMBUS, OHIO 43216-0899

*Jerry
F.V.I.
Richard*

February 1, 2000

Mr. Richard J. Fair, P.E.
Mason City Engineer
City of Mason
214 W. Main St.
Mason, Ohio 45040

RE: CRS - WAR-57
PID No. - 10612
Utility Agreement No. UA-3556

Dear Mr. Fair:

Enclosed for your use and file is a copy of Utility Agreement Number UA-3556 which has been executed by the Director of Transportation.

This agreement was recorded in the Office of Real Estate Section of the Journal of the Director of Transportation on February 1, 2000 in Volume 29, Page 15.

Respectfully,

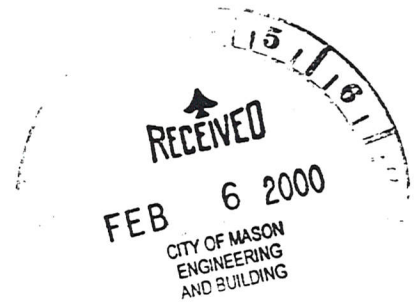
C.M. Gibson, Manager
R/W Operations Section
Office of Real Estate

Stephen J. Callinan
Unit Manager - Utilities

CMG:SJC:mb

Enclosure

c: G. Rudd, D-8
Utility File



**IN THE MATTER OF ALTERATION OF
PUBLIC UTILITIES ON COUNTY ROAD 57,
IN WARREN COUNTY, OHIO
FEDERAL PROJECT NUMBER TE21-G990(296)
PID NO. 10612**

AGREEMENT

THIS AGREEMENT, made this 1st day of February 2000, between the State of Ohio, acting by and through the Director of Transportation of the State of Ohio, as First Party, hereinafter referred to as the STATE and the CITY of Mason as Second Party, hereinafter referred to as the CITY, whose office is located in Mason, Ohio.

WITNESSETH:

WHEREAS, the STATE proposes to improve County Road 57 and in so doing will cross or affect certain water line and sanitary sewer facilities of the CITY located on property under the jurisdiction of the CITY, and

WHEREAS, the CITY is eligible for PROJECT participation in costs incurred in adjusting CITY utilities located on property under the jurisdiction of the CITY, and

WHEREAS, the CITY has consented to the rearrangement by the STATE of its water line and sanitary sewer facilities as made necessary by construction of this project, and

WHEREAS, under such conditions Federal-Aid funds are eligible to pay a share of such relocation costs.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter stipulated to be kept and performed, it is agreed between the parties as follows:

SECTION 1 - PLANS AND ESTIMATES

The STATE shall prepare or cause to be prepared plans and estimates for altering CITY facilities temporarily, if necessary, and permanently to conform to the new highway improvement, and include such work as a bid item in the construction plans. Such plans and estimates shall be prepared in conformance with and as required by 23 CFR 645, and any additions, amendments or revisions thereto. Plans shall show clearly the existing facilities as well as the work contemplated in relation to the existing right of way, proposed right of way and centerline stationing. The cost of betterments not necessitated by the requirements of the project shall be an obligation of the CITY and will be performed at no cost to the STATE.

SECTION 2 - PERFORMANCE OF WORK

The CITY has stated that it is not adequately staffed or equipped to perform the necessary rearrangement work with its own forces, therefore, such work will be included as a bid item in the contract plans.

SECTION 3 - BILLINGS AND PAYMENTS

Recordings of costs and billings shall conform in all respects to 23 CFR 645, and any additions, amendments or revisions thereto.

SECTION 4 - GENERAL

It is understood that the work herein contemplated affects a segment of the CITY'S utility facilities and that the relocation of the water line and sanitary sewer facilities now located on property under the jurisdiction of the CITY is to be financed from funds provided by the STATE. It is expected that the Federal Highway Administration will reimburse the PROJECT for a share of such costs.

All CITY-owned facilities within the new highway right of way shall be maintained without cost to the STATE.

IN WITNESS WHEREOF, the parties hereunto have caused this agreement to be duly executed in duplicate as to the day and year first above written.

(SEAL)

Witness *Richard A. Fair*

THE STATE OF OHIO

By *Gordon Proctor/gp*
GORDON PROCTOR
DIRECTOR OF TRANSPORTATION

CITY OF MASON *Scott F. Lahmer*

By *Scott F. Lahmer*
Title - *City Manager*