

ORDINANCE NO. 2004-123

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO IMPROVE THE RIGHT TURN LANES AND SIGNAL AT THE INTERSECTION OF IR 71 RAMPS WITH WESTERN ROW ROAD AND KINGS ISLAND DRIVE AND DECLARING AN EMERGENCY

The following is Ordinance No. 2004-123 enacted by the Council of the City of Mason, Warren County, Ohio, hereinafter referred to as the Local Public Agency (“LPA”), in the matter of the stated described project.

WHEREAS, the LPA/State has identified the need for the described project:

Improve the right turn lanes and signal at the intersection of IR 71 ramps with Western Row Road and Kings Island Drive.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, seven members thereto occurring:

Section 1. That being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section 2. That the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City will be responsible for:

10% of the Preliminary Engineering Phase

10% of the Right-of-Way Costs

10% of the Construction Costs

All costs for added construction items requested by the City which are not necessary for the improvement as determined by the State and the Federal Highway Administration.

Section 3. That 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 4. 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 purposes.

Section 5. That the City Manager of the City of Mason is hereby empowered on behalf

of the City of Mason to enter into contracts with the Director of Transportation necessary to complete the above described project.

Section 6. That this Ordinance is hereby declared to be an emergency measure to expedite the highway projects 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 this 27th day of September, 2004.



Mayor

Attest:



Clerk of Council