

ORDINANCE NO. 2004-52

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PAVEMENT PLANING, ASPHALT RESURFACING, REPLACING RAISED PAVEMENT MARKERS, PAINTING AND STRIPING ON STATE ROUTE 741

PID No. 22834
County/Route/Section WAR-741-1.01

The following is Ordinance No. 2004-52 enacted by the Council of the City of Mason,

WarrenCounty, 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:

Pavement planing, asphalt resurfacing, replacing raised pavement markers, painting and striping on State Route 741.

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

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

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

The City will be responsible for:

- 1. 100% of the Preliminary Engineering Phase.**
- 2. 100% of the Right-of-Way Phase.**
- 3. The non-federal share of the construction cost.**
- 4. 100% of the cost of construction items requested by the CITY which are not necessary for the project as determined by ODOT and/or FHWA; and**
- 5. 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans With Disabilities Act.**

Section 3. Utilities and Right-of-Way Statement: 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. Maintenance: That 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 5. Authority to Sign: 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.

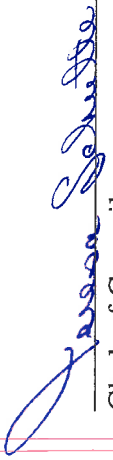
Section 6. That this Ordinance is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed this 12th day of April, 2004.



Mayor

Attest:



Clerk of Council

3/19/2004

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