

ORDINANCE NO. 2005-17

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO IMPROVE THE RIGHT TURN LANES AND TRAFFIC SIGNAL AT THE INTERSECTION OF TYLERSVILLE ROAD AND US 42 AND DECLARING AN EMERGENCY

The following is Ordinance No. 2005-17 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:

Add standard right turn lanes eastbound and westbound on Tylersville Road at US 42; includes advanced warning on Tylersville Road for eastbound and protect only left turns for Tylersville Road.

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

**100% 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 ODOT pre-qualified consultants for the preliminary engineering phase of the project and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the City Manager is also empowered to assign all rights, title, and interests of the City of Mason 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 6. That 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 the 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 consultants 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.

Section 7. 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 14th day of March, 2005.

Attest:


Clerk of Council
Mayor

Certificate of Publication

I, the undersigned Clerk of Council of the Municipality of Mason, Ohio hereby certify that the foregoing ordinance was published as required by Section 4.16 of the Charter of said Municipality by posting a copy in the lobby of the municipal building.



Clerk of Council

CERTIFICATE OF COPY
STATE OF OHIO

THE CITY OF MASON OF WARREN COUNTY, OHIO

I, Debra Schultz, as Clerk of the City of Mason, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative authority of the said City of Mason on the 14th day of March, 2005, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance 2005-17.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 14th day of March, 2005.

Debra Schultz
Clerk
City of Mason, Ohio

(SEAL)
(If Applicable)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Mason, Ohio

Attest: _____

_____, Date _____
Contractual Officer



For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation