

ORDINANCE NO. 2005-170

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO US 42 BETWEEN BUTLER-WARREN ROAD AND TYLERSVILLE ROAD

PRELIMINARY LEGISLATION

Rev.6/26/00

**Ordinance/Resolution# 2005-170**  
**PID No. 79850**  
**County/Route/Section WAR US 42-0-00**

The following is Ordinance 2005-170 enacted by the City of Mason, Warren County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**SECTION I – Project Description**

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

Access management including addition of turn lanes, bike lane, curb and gutter, storm sewer and sidewalk on US 42 between Butler-Warren Road and Tylersville Road. Replacement of culverts and widening of bridge. Project length is 1.98 miles

NOW, THEREFORE, be it ordained by the City of Mason, Ohio six members thereto occurring:

**SECTION II – Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

**SECTION III – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City is responsible for:

- 100% of the Preliminary Engineering Phase
- 100% of the Right-of-way Phase

The non-Federal share of the Construction cost

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

**SECTION IV – Utilities and Right-of-way Statement**

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 V – Maintenance**

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.

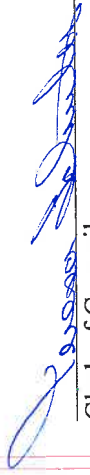
**SECTION VI – Authority to Sign**

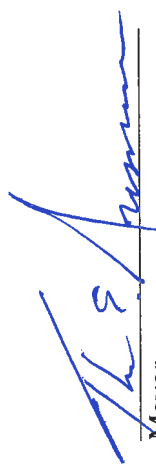
The City Manager of the City of Mason is hereby empowered on behalf of the City of Mason to enter into contracts with the Director of Transportation necessary to complete the above-described project.

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) 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 12<sup>th</sup> day of December, 2005.

Attest:

  
Clerk of Council

  
Mayor

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Ordinance No. 2005-\_\_\_, adopted by the Council of the City of Mason on December 12, 2005.

\_\_\_\_\_  
Clerk of Council