

PRELIMINARY CONSENT LEGISLATION

Rev. 6/26/00

Ordinance/Resolution #2009-103

PID No. 24947

County/Route/Section : WAR SR 741 - 2.24/4.50

The following is Ordinance 2009-103 enacted by the City of Mason, Warren County,
(Ordinance/Resolution) (Local Public Agency)
Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

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

Replace deck and paint bridge No. WAR-741-0226 over Muddy Creek within the City of Mason. Project includes replacing bridge No. WAR-741-0452 over Little Muddy Creek located 2.15 mile north of US 42.

NOW THEREFORE, be it ordained by the City of Mason, Ohio.
(LPA)

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 State shall assume and bear 100% of the necessary cost of the subject project.

The City agrees to pay one hundred percent (100%) of the cost of those features 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 City shall:

- (1) provide adequate maintenance for the structure within the City in accordance with all applicable state and federal laws, including, but not limited to, ORC 5501.49 and 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 _____ of said City of Mason is hereby empowered on
 (Contractual Agent) (LPA)
 behalf of the City of Mason to enter into contracts with the Director of Transportation
 (LPA)

necessary to complete the above described project.

Passed: September 14, 2009.
 (Date)

Attested: [Signature]
 (Clerk)

 (Officer of LPA - title)

Attested: Mason
 (Title)

[Signature]
 (President of Council)

This Ordinance No.2009-103 is hereby declared to be an emergency measure to expedite the
 (Ordinance/Resolution)
 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.

CERTIFICATE OF COPY
STATE OF OHIO

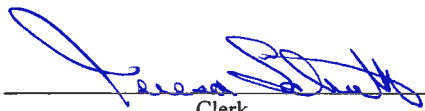
City of Mason of Warren County, Ohio

I, Teresa Schulte, as Clerk of the City of Mason, Warren County,
Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance 2009-103
(Ordinance/Resolution)
adopted by the legislative Authority of the said City of Mason on the 14th day

of September, 2009, that the publication of such Ordinance has
(Ordinance/Resolution)
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

(Ordinance/Resolution) (Ordinance/Resolution)
and certificate of publication thereof are of record in _____ .
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 15th day of September, 2 009.



Clerk
City of Mason, Ohio.
(LPA)

(SEAL)
(If Applicable)

The afore going is accepted as a basis for proceeding with the project herein described.
For the City of Mason, Ohio
(LPA)

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation