

ORDINANCE 2011-21

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR RESURFACING STATE ROUTE 741 (KINGS MILLS ROAD) FROM EAST OF PARKSIDE DRIVE TO BETHANY ROAD

Rev. 6/26/00

**Ordinance/Resolution #2011 - 21
PID #84307
WAR-741-1.12**

The following Ordinance _____ is enacted by the _____ City _____ of _____ Mason
(Ordinance/Resolution) (Local Public Agency) (City/Village Name)
_____ 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:

Urban Paving Project to plane and resurface a portion of SR 741 (Kings Mills Road) in the City of Mason.

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

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 will be responsible for:

- 100% of the Preliminary Engineering Phase
- 100% of the Right-of-Way Costs
- 100% of the non-State and/or non-Federal share of the Construction Costs
- All costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and the 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 purposes.

PID #84307

SECTION VI – Authority to Sign

The City Manager of said City of Mason is hereby empowered
(Contractual Agent) (LPA)
on behalf of the City of Mason to enter into contracts with ODOT pre-
(LPA)

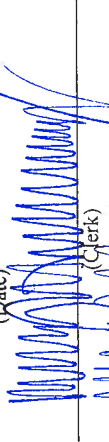
qualified consultants for the preliminary phase of the Project and enter into contracts with the Director of Transportation necessary to complete the above described project. Upon request of ODOT, the City Manager is also empowered to assign all rights, title, and
(Contractual Agent)

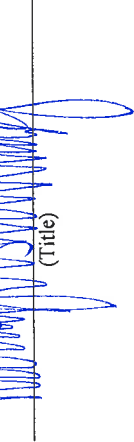
interests of City of Mason to ODOT arising from any agreement with its
(LPA)

consultant in order to allow ODOT to direct additional or corrective work, recover damages due to error or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

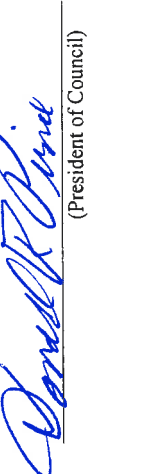
The LPA agrees that is Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant 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 completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: March 14, 2011

Attested:  _____
(Clerk)

Attested:  _____
(Title)

 _____
(Officer of LPA – title)

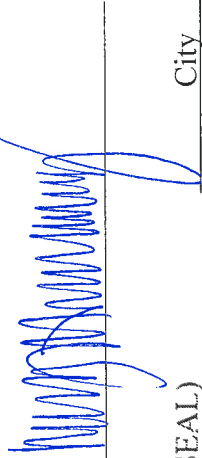
 _____
(President of Council)

CERTIFICATE OF COPY
STATE OF OHIO


City of Mason of Warren County,
Ohio (LPA)

I, Nancy M. Hickey, as Clerk of the City (LPA)
of Mason, Ohio, do hereby certify that the foregoing is a true and
correct copy of Ordinance 2011-21 adopted by the legislative Authority of
the said City of Mason on the 14th day of March, 2011,
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 2011-21.
(Ordinance/Resolution) (Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my
official seal, if applicable, this 15th day of March, 2011.


(SEAL) City of Mason, Ohio.
(If Applicable) (LPA) (City/Village Name) (Clerk)

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

For the City of Mason, Ohio
(LPA) (City/Village Name)
Attest: 
Date 03.15.2011,
(Contractual Officer)

For the State of Ohio

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