

## RESOLUTION NO. R-19-50

ADOPTING PRELIMINARY LEGISLATION FOR URBAN PAVING, ACCESS MANAGEMENT THROUGH INSTALLATION OF RAISED MEDIAN, SHARED USE PATH AND SIDEWALK CONSTRUCTION, AND SIGNAL UPGRADES WITHIN THE CITY OF WILMINGTON, ODOT PID 103518, CLI US 22-10.00; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington (hereinafter referred to as the Local Public Agency (LPA)) has identified the need for the project described in Section I; and

WHEREAS, the City of Wilmington agrees with the terms of the Ohio Department of Transportation Preliminary Legislation document, attached hereto and incorporated herein as “**Exhibit A.**”

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, OHIO.

### **SECTION I — Project Description**

The LPA/STATE has identified the need for the following described project:

*Urban paving, access management through installation of raised median, shared use path and sidewalk construction, and signal upgrades within the City of Wilmington.*

### **SECTION II – Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

### **SECTION III – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

*The LPA agrees to participate in the cost of the project: City of Wilmington will be responsible for 100% of the non-Federal share of the project.*

*The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

*The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.*

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 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 a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

*\*\*(all of the above regarding the consultants is only needed if the LPA is responsible for the preliminary phase and design plans)*

**SECTION IV – Authority to Sign**

The LPA hereby authorizes the Service Director of said City of Wilmington to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Service Director is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Wilmington 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 V – 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 VI – 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.

**SECTION VII – Emergency Resolution**

This Resolution 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President of Council

ATTEST:

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Service Director

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Wilmington of Clinton County, Ohio  
(LPA)

I, Marian Miller, as Clerk of the City of Wilmington (LPA) of Clinton County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution \_\_\_\_\_ adopted by the legislative Authority of the said City of Wilmington on the \_\_\_\_\_ day of December 2019

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of December 2019.

\_\_\_\_\_  
**SEAL** (Clerk)

City of Wilmington of Clinton County, Ohio (LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)