

SPONSOR: E Brown/Elliott

ORDINANCE NO. 96-08

AN ORDINANCE AUTHORIZING THE CITY TO PARTICIPATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN THE RESURFACING OF A PORTION OF STATE ROUTE 776 LOCATED IN THE CITY OF JACKSON, OHIO, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Service Director is hereby authorized to enter into contracts with the Director of Transportation of the State of Ohio which are necessary to complete the resurfacing of a portion of State Route 776 located within the City of Jackson, Ohio. A copy of the preliminary legislation as provided by the Ohio Department of Transportation is attached hereto and made a part hereof.

Section Two. This Ordinance is hereby declared to be an emergency Ordinance, necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, in that it is necessary to approve this additional appropriation in order that the resurfacing of State Route 776 may commence and proceed in a timely manner. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four. It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 9-22-08

Michael B. Barkman
PRESIDENT OF COUNCIL

MaBlair
CLERK OF COUNCIL

Approved:

Date: 9-22-08

Randy R. Heath
MAYOR

Exhibit “A”

PRELIMINARY LEGISLATION

Participatory

Rev. 6/26/00

Ordinance/Resolution# : 96-08

PID No.: 22044

County/Route/Section: JAC / SR776 / 11.44

The following is a/an 96-08 enacted by the City of Jackson of Jackson 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:

It is proposed, within the City of Jackson, to resurface portions of SR327 & SR349.

NOW THEREFORE, be it ordained by the City of Jackson of Jackson County, 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 agrees to assume and bear the entire cost of the improvement less the amount of Federal and State Funds set aside by the Director of Transportation for financing the improvement from funds allocated by the Federal Highway Administration.

In addition, the LPA also agrees to assume and bear 100% of the cost of any construction items requested by the LPA on the entire improvement, which are not necessary for the improvement, as determined by the Sate and Federal Highway Administration.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the LPA.

The LPA shall adjust any existing casting, as required, with City forces.

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

I, WILLIAM R. SHEWARD, JR. of said City of Jackson is hereby empowered on
(Contractual Officer) (LPA)
behalf of the City of Jackson to enter into contracts with the Director of Transportation
(LPA)
which is necessary to complete the above described project.

Passed: SEPT 22, 2008.
(Date)

Attested: Lisa Braun
(Clerk)

William R. Sheward Jr.
Contractual Officer of City

Attested: Lisa Braun
(Clerk)

Parcell B. ...
President of City Council

This 96-08 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 Jackson of Jackson County, Ohio
(LPA)

I, [Signature], as Clerk of the City of Jackson
(LPA)

of Jackson County, Ohio, do hereby certify that the foregoing is a true and correct copy of
96-08 adopted by the legislative Authority of the said
(Ordinance/Resolution)

City of Jackson on the 22nd day of September, 2008.
(LPA)

that the publication of such 96-08 has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such
96-08 have been taken; and that such 96-08
(Ordinance/Resolution) (Ordinance/Resolution)

and certificate of publication thereof are of record in 96-08, Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 22nd day of September, 2008.

[Signature]
Clerk

(CITY SEAL)

City of Jackson of Jackson 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.)

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

For the City of Jackson of Jackson County, Ohio.
(LPA)

Attested: [Signature] Date October 6, 2008
Contractual Officer of City -

For the State of Ohio

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



The Ohio Department of Transportation

ODOT, District 9
PO Box 467
650 Eastern Avenue
Chillicothe, Ohio 45601
James Brushart, Deputy Director

Date: 09/10/08

The Honorable Randy Heath, Mayor
Mr. Bill Sheward, Service Director
City of Jackson
145 Broadway Street
Jackson, Ohio 45640

Re: CO/RT/SEC: JAC / SR776 / 11.44
Current Schedule: FY 2009
PID No.: 22044

Dear Gentlemen:

In Fiscal Year 2009, The Ohio Department of Transportation is proposing to resurface a portion of SR776, section 11.44 to 12.59. Since this section is within the corporation limits of the City it is considered Urban Paving and will require that you pay 20% of the construction cost. It is also required that we obtain Participatory Legislation from the City. We are enclosing three (3) copies of said Legislation which shall require action by the City Council.

In completing this form, please be sure to do the following:

1. Indicate the Ordinance/Resolution number in the upper right hand corner of the first page.
2. Please note that on the second page, in Section VI, the person who is designated as your "Contractual Officer" is to sign his name in both spaces marked "Contractual Officer", and
3. on the Certificate of Copy, this same person is to sign in the space marked "Contractual Officer".
4. Again, in Section VI, the President of the City Council is to sign in the space marked "President of Council".
5. All three (3) spaces marked "Attested" (two in Section VI and one on the Certificate) need to be signed by either a Councilman or the City Clerk.

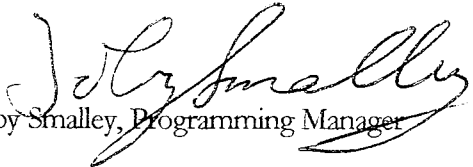
6. Make sure the "City Seal" is stamped in the appropriate place. If there is no seal, then a letter stating that the City has no seal is required to be sent with the executed legislation.
7. After all the appropriate spaces have been filled in and all signatures have been affixed and dated, then make a copy for your records and return all three original copies to: **ODOT, Dist. 9, Attention Toby Smalley, Programming Manager, P. O. Box 467, 650 Eastern Avenue, Chillicothe, Ohio 45601.**
8. After the Deputy Director signs the "Certificate of Copy", we will send one original back to you.

If you have any questions, please contact me at (740) 774-8982.

Thank you for your assistance.

Respectfully,
Doug A. Buskirk, P. E.
Transportation Planning & Programs Administrator

by:


Toby Smalley, Programming Manager

DAB/tps

File - Legislation File