

Section VII. This Ordinance is hereby declared to be an emergency Ordinance necessary to maintain the public health, safety and welfare as is necessary to expedite the highway project and to promote highway safety. Therefore, this Ordinance shall go into effect upon passage and as provided in Ohio Revised Code Section 731.30.

Section VIII. 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.

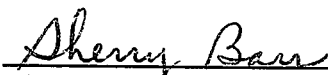
It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public in compliance with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

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 23rd day of January, 2017.



 President of Council

ATTEST:



 Clerk of the Legislative Authority

Approved this 23rd day of January, 2017.



 Mayor

PRELIMINARY LEGISLATION
Participatory

Rev. 6/26/00

Ordinance/Resolution #: 10-17
PID No. : 100175
County/Route/Section: JAC McCarty Lane

The following is a/an Ordinance enacted by the City of Jackson of Jackson County,
(Ordinance/Resolution) (Local Public Agency)
Ohio hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Rebuild McCarty Lane within the City of Jackson.

NOW THEREFORE, be it ordained by the City of Jackson of Jackson County, 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 LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA 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.

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 further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall 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, Service/Safety Director of said City of Jackson of Jackson County is hereby empowered on behalf of the
 (Title of Contractual Agent) (LPA)
City of Jackson of Jackson County to enter into contracts with ODOT pre-qualified consultants for the preliminary
 (LPA)
 engineering phase of the Project and to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

Upon request of ODOT, the Service/Safety Dir. is also empowered to assign all rights, title, and interests
 (Title of Contractual Agent)
 of the City of Jackson to ODOT arising from any agreement with its consultant in order to allow
 (LPA)
 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.

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.

PID No.: 100175

CERTIFICATE OF COPY
STATE OF OHIO

City of Jackson of Jackson County, Ohio
(LPA)

I, Sherry Barr, as Clerk of the City of Jackson of Jackson County,
(LPA)

Ohio, do hereby certify that the foregoing is a true and correct copy of
Ord. 10-17 adopted by the legislative Authority of the said
(Ordinance/Resolution)

City of Jackson on the 23rd day of January, 2017.
(LPA)

That the publication of such 10-17 has been made and certified of record according to
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such 10-17 have been taken;
(Ordinance/Resolution)

and that such Ordinance and certificate of publication thereof are of record in 10-17,
Page _____
(Record No.) (Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this 23rd day of January 2017.

Sherry Barr
(Clerk's Signature)

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

For the City of Jackson of Jackson County, Ohio.

(LPA)

Attested: Sherry Barr
(Clerk's Signature)

Service/Safety Director
William R. Sheehan Date 1-30-2017
(Contractual Agent's Signature)

For the State of Ohio

Attested: _____

_____ Date _____
(Director, Ohio Department of Transportation)

Passed: 1-23, 2017.
(Date)

Attested: Sherry Barr
(Clerk's Signature)

Ronald R. Heard
(Officer of LPA's Signature)

Attested: Sherry Barr
(Clerk's Signature)

E. A. Brown
(President of Council's Signature)

The Ordinance 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.