

Resolution # : 14-14

PID No. : 88739

Project Name ASD US 0042 7.75

**RESOLUTION NO. 14-14**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONSENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE U.S 42 RECONSTRUCTION PROJECT WITHIN THE CITY CORPORATION LIMITS; AND DECLARING AN EMERGENCY.**

The following is a Resolution enacted by the City of Ashland, Ashland County, Ohio, hereinafter referred to as the City, in the matter of the stated described project.

**SECTION I – Project Description**

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

*Reconstruction of 0.8 miles of U.S. 42 and replacement of the existing grade separated intersection of S.R. 96/U.S. 250 with an at-grade signalized intersection. Widening and resurfacing of S.R. 96/U.S. 250 to accommodate the intersection improvements. Bridge widening and culvert work to accommodate the intersection improvements.*

*Construction is tentatively scheduled to begin in calendar year 2015 and be completed in 2015.*

**NOW THEREFORE**, be it ordained by the Council of The City of Ashland, Ashland County, Ohio, 4 members thereto concurring:

**SECTION II – Consent Statement**

Being in the public interest, the City gives consent to the Director of Transportation to complete the above-described project.

**SECTION III – Cooperation Statement**

The City shall cooperate with the Director of Transportation, **for the portion of this project within the Ashland Corporation limit**, as follows:

- 1) *ODOT agrees to assume and bear one hundred percent (100%) of the Right of Way costs (Acquisition and Real Estate Services). The city share was previously estimated at \$100,000.00 and now will be included in the Construction phase.*

**SECTION III – Cooperation Statement (continued)**

- 2) *ODOT agrees to pay \$3,900,000 in addition to the above mentioned costs.*
- 3) *The city agrees to assume and bear ten percent (10%) of the construction costs based on capped Safety funds. Safety funds are capped at \$1,200,000. The city share is \$133,334.*
- 4) *The city agrees to assume and bear twenty percent (20%) of the Construction costs based on capped Small City funds. Small City Funds are capped at \$2,400,000. The city share is \$600,000.*
- 5) *Parcels within the City of Ashland will be secured by warranty deed in the name of the “City of Ashland”. This refers to permanent right of way takes along S.R. 96 west of Davis Road.*

**SECTION IV – Maintenance**

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;
- 2) Provide ample financial provisions, as necessary, for the maintenance of the described project;
- 3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

**SECTION V - Utilities and Right-of-Way Statement**

The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION VI – Emergency Measure**

That in order to proceed with said project at the earliest possible time, this Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety and is immediately necessary for the preservation of the public peace, property, health, safety and welfare of said City of Ashland.

That this Resolution shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

**SECTION VII - Authority to Sign**

Glen P. Stewart, Mayor of said City of Ashland is hereby empowered on behalf of the City of Ashland to enter into contracts with the Director of Transportation which are necessary to complete the above-described project.

Passed: June 3, 2014

/s/ Stephen L. Stuart  
Stephen L. Stuart, President of Council

Attest: /s/ Lindsey Gardiner  
Lindsey Gardiner, Clerk of Council

Approved: /s/ Glen P. Stewart  
Glen P. Stewart, Mayor

Approved as to form and correctness:

/s/ Richard P. Wolfe  
Richard P. Wolfe II, Director of Law

Date: June 3, 2014

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Ashland of Ashland County, Ohio

I, Lindsey Gardiner, as Clerk of the City of Ashland of Ashland County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution No. 14-14 adopted by the legislative Authority of the said City of Ashland on the 3rd day of June, 2014.

That the publication of such Resolution has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in Resolution BK 7, Page 22-25.  
*(Record No.)*

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 3rd day of June, 2014.

City of Ashland of Ashland County, Ohio

(CITY SEAL)

\_\_\_\_\_  
*/s/ Lindsey Gardiner*  
(Clerk)

*(If the CITY 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 Ashland of Ashland County, Ohio.

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Contractual Agent)

.....  
For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Director, Ohio Department of Transportation)