

ORDINANCE NO. 2003-25

Passed May 6, 2003

AN ORDINANCE CONSENTING TO THE COMPLETION OF THE HOME ROAD RAILROAD GRADE SEPARATION PROJECT BY THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION AND DELAWARE COUNTY AND DECLARING AN EMERGENCY.

WHEREAS, Delaware County and the Ohio Department of Transportation have identified the need to construct a grade separation with CSX Railroad located on Home Road and,

WHEREAS, Such agencies have requested of the City authorization to complete such project in the event all or any portion of the project comes within the City Limits.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: At the request of the Ohio Department of Transportation (ODOT) and Delaware County, Council herewith consents to the improvement of the Home Road railroad grade separation project and authorizes the Manager to:

- a. Execute any documentation required by ODOT or Delaware County to consent to the planning, design, and construction of the project.
- b. To consent to ODOT or the County developing and constructing the project in accordance with the plans, specifications and estimates approved by the director.
- c. To authorize Delaware County to serve as the lead agency for the project.
- d. To consent to implementation of the project based upon the fact that ODOT and Delaware County shall bear one hundred percent (100%) of the necessary costs of the highway improvement project.
- e. To indicate that the City will pay one hundred percent (100%) of the costs which the City specifically requests in writing which may not be necessary for the improvement as determined by the State and Federal Highway Administration.

Section 2: That all right of way required for the described project will be acquired and/or made available in accordance with the current State and Federal Regulations. Right of way costs include eligible utility costs. The costs of acquisition of right of way and associated expenses shall be paid by the County and State. The City further agrees that all utility accommodations, relocation and reimbursement will comply with current provisions of **23 CFR 645** and the **ODOT Utilities Manual**, at the cost of ODOT and/or Delaware County.

Section 3: That upon completion of the project and for those areas of the project within the Municipality, unless otherwise agreed, the City agrees to do the following:

- a. Provide adequate maintenance for the highway portion of the improvement project in accordance with all applicable state and federal law including but not limited to **Title 23 U.S.C., Section 116**.
- b. Provide ample financial resources as necessary for the maintenance of the highway portion of the project.
- c. To maintain the right of way, keeping it free of obstructions.
- d. To hold said right of way inviolate for public highway purposes.

