



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 6, 400 EAST WILLIAM STREET, DELAWARE, OHIO 43015 (740) 363-1251 FAX (740) 369-6451

February 24, 2004

Ms. Dawn Nauman, Clerk
City of Powell
47 Hall Street
Powell, OH 43065-8357

RE: Delaware County - City of Powell

DEL-CR124-4.38 (Railroad Grade Separation)
(Home Road over CSX Railroad)
PID Number 75917
Ordinance Number 2003-25 passed May 6, 2003

Dear Ms. Nauman,

Enclosed is one copy of the executed Ordinance of the City of Powell, Ohio for the referenced project proposing to cooperate with the Director of Transportation and agreeing to maintenance in connection with the project.

If you require any further information or if I can be of assistance, please feel free to contact me at 740-363-1251, extension 364 or via E-mail at tracy.allen@dot.state.oh.us.

Respectfully,

Tracy L. Allen
ODOT, District Six

Attachment*

TLA:tl

c: Legislation File*
Project File*

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.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this **Ordinance** were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

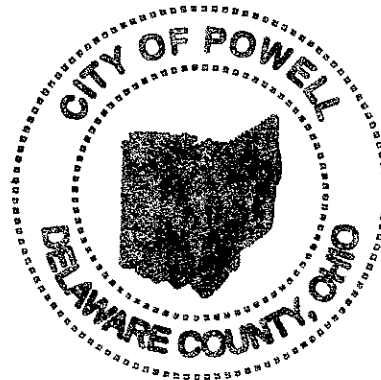
Section 5: Council hereby finds and determines that an emergency exists requiring the immediate implementation of such **Ordinance** consisting of required approval by the City before the State and County can proceed on this project to promote highway safety. This **Ordinance** shall therefore take effect immediately upon its passage.

VOTE ON RULE SUSPENSION: Y 6 N 0

VOTE ON ORDINANCE NO: 2003-25 Y 6 N 0

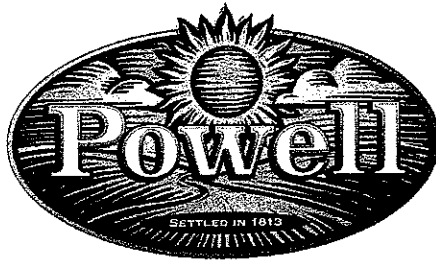
Art Schultz 6/3/03
Art Schultz, Mayor Date

Dawn Nauman 5/23/03
Dawn Nauman, Clerk Date



This ordinance or resolution has been posted in
three (3) public places as defined in ordinance
94-11 dated 4-3-94
on this date 5/23/03

Nauman
Clerk of Council



CERTIFICATE OF COPY
STATE OF OHIO

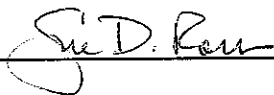
City of Powell, Delaware County, Ohio

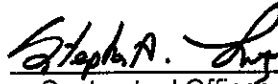
I, Dawn Nauman, as Clerk of the City of Powell, do hereby certify that the foregoing is a true and correct copy of Ordinance 2003—25, an ordinance adopted by the legislative Authority of the said City on the 6th day of May, 2003, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance has been posted in accordance with the City of Powell requirements.

In WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 18th day of February, 2004.

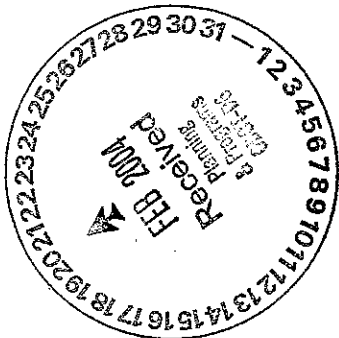
Dawn Nauman
Clerk of Council
Powell, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described for the City of Powell, Ohio.

Attest: 


Contractual Officer

Date 2/18/04



Delaware County
DEL-CR124-4.38
PID Number 75917
City of Powell
Ordinance Number 2003-25
Passed May 6, 2003
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The foregoing is accepted as a basis for proceeding with the improvement herein described.

Attest: Wm. C. Ayer Gordon Proctor / gpm Date: 7/23/2004
Director of Transportation