

**ORDINANCE NO. 2004-50**

Passed July 6, 2004

**AN ORDINANCE ENACTED BY THE CITY OF POWELL, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), TO ALLOW THE CITY MANAGER TO GIVE CONSENT TO THE STATE DIRECTOR OF TRANSPORTATION TO COMPLETE PAVEMENT REPAIRS ON STATE ROUTE 315 AS IT EXTENDS THROUGH THE CORPORATE LIMITS AND DECLARING AN EMERGENCY.**

**WHEREAS**, the State has identified the need to perform pavement repairs and resurface the existing pavement on SR 315 as it extends through the corporate limits of the City of Powell from the Franklin County line to US 23.

**WHEREAS**, it is hereby determined that this is an emergency measure in the need to expedite the highway project(s) and to promote highway safety.

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

**Section 1:** That being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**Section 2:** That the LPA shall cooperate with the Director of Transportation in the above described project as follows:

a. The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

b. The Ohio Department of Transportation shall assume and bear one hundred percent of the necessary costs of the State's highway improvement project;

c. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

**Section 3:** 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.

**Section 4:** 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 5:** Upon completion of the project, and unless otherwise agreed, the LPA shall:

a. Provide adequate maintenance of the 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 project;

c. maintain the right-of-way, keeping it free of obstructions, and

d. hold said right-of-way inviolate for public highway purposes.

**Section 6:** 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.

**Section 7:** The City Manager is hereby empowered on behalf of the City of Powell to enter into contracts with the Director of Transportation necessary to complete this project.

**Section 8:** 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 City of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

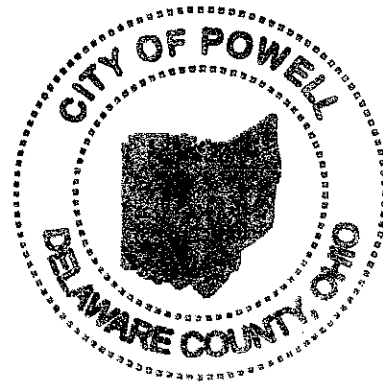
**Section 9:** That this Ordinance shall be in effect upon the earliest possible date permitted by law.

VOTE ON RULE SUSPENSION: Y 6 N 0

VOTE ON ORDINANCE NO.: 2004-50 Y 6 N 0

Dan Wiencek 6/20/04  
Dan Wiencek, Mayor Date

Dawn Nauman 7/20/04  
Dawn Nauman, Clerk Date



This legislation has been posted in accordance with the City Charter on this date 7/23/04.  
Nauman  
Clerk of Council