



City of Powell, Ohio

ORDINANCE 2007-59

Adopted November 7, 2007

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE DISTRICT SIX URBAN PAVING PROJECT WITHIN THE CITY LIMITS, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has identified the need for a project which proposes to plane and resurface pavement with asphalt concrete and replace loop detectors and pavement markings within the area extending from State Route 750 from Galloway Drive east of Sawmill Parkway to the East Powell Corporation Line east of Valley Run Drive; and

WHEREAS, being in the public interest, the City of Powell gives consent to the Director of Transportation to complete the above described project.

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

Section 1: That, being in the public interest, the City gives consent to the Director of Transportation to complete the above-described project and shall cooperate with the Director of Transportation in the above described project as follows:

- a. That 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 the plans, specifications and estimates as approved by the Director.
- b. That prior to the construction commencement date of the above-referenced project, the City of Powell shall install and/or repair all curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act and the City of Powell agrees to assume and bear one hundred percent (100%) of the cost of such installation and/or repair of curb ramps.
- c. That the City will assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration. The City will assume and bear one hundred percent (100%) of the cost of curbs, gutters, utility relocations, partial- and full-depth pavement repairs and other non-surface related items. 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.
- d. That the City 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 City of Powell also understands that right-of-way costs include eligible utility costs.
- e. The City of Powell agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 2: That upon completion of the project, and unless otherwise agreed, the City of Powell shall:

- a. Provide adequate maintenance for the project in accordance with all applicable State and Federal law, including, but not limited, 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.
- d. Hold said right-of-way inviolate for public highway purposes.

