

PASSED Oct. 25, 2023

PID No. 99588

County/Route/Section OTT SR 163 30.94 Resurf

ORDINANCE NO. 12-2023

AN ORDINANCE GIVING CONSENT TO THE DIRECTOR OF TRANSPORTATION ON THE PROJECT TO RESURFACE SR-163 THROUGH THE VILLAGE OF MARBLEHEAD IN OTTAWA COUNTY AND DECLARING AN EMERGENCY

WHEREAS, the Village of Marblehead, Ottawa County, Ohio, hereinafter referred to as the Local Public Agency (LPA), and the State have identified the need for the described project:

Resurface SR-163 in Ottawa County including the full depth replacement of the shoulders East of Marblehead; perform necessary related work.

NOW THEREFORE, be it ordained by the Council of the Village of Marblehead, Ottawa County, Ohio as follows:

SECTION 1 - Consent Statement

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

SECTION 2 - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

- 1) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.
- 2) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases of the project.

SECTION 3 - Utilities and Right-of-Way Statement

The LPA agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described project shall be made available therefor. The LPA further agrees that any right-of-way acquired by said LPA on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations.

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 4 - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Project under the jurisdiction of the LPA in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; 2) provide ample financial provisions, as necessary, for the maintenance of those portions of the Project under its jurisdiction; 3) maintain the right-of-way, keeping it free of obstructions; and 4) hold said right-of-way inviolate for public highway purposes.

SECTION 5 - Authority to Sign

The Administrator of said Village is hereby empowered on behalf of the Village to enter into contracts with the Director of Transportation necessary to complete the above described project.


SECTION 6

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.

SECTION 7

This Ordinance is hereby declared an emergency measure for the immediate preservation of the public peace, health, and safety of the Village of Marblehead, and for the further reason that this ordinance is needed to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Approved: Oct. 25, 2023


Jacqueline A. Bird, Mayor

Attest:


Rhonda I. Sowers, Fiscal Officer

Dated: Oct. 25, 2023