

7/23/2019

PRELIMINARY LEGISLATION
AND TO DECLARE AN EMERGENCY
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

Ordinance/Resolution # : 2019-21

PID No. : 110217

County/Route/Section : ALL Beaverdam Sidewalks Agreement
No: 33894

The following is a/an ordinance enacted by the Village of Beaverdam of Allen
(Motion/Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I- Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

- Construct pedestrian facilities at various locations in the Village of Beaverdam. Project to achieve compliance with the Americans with Disabilities Act.

NOW THEREFORE, be it ordained by the Board of Commissioners of Allen County, Ohio.
(LPA)

SECTION II- Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA hereby agrees to pay for the entire cost of the improvement, less the amount of State Highway funds allocated to the eligible portion of this project this project by the Ohio Department of Transportation (ODOT). In the event that the LPA requests certain features or appurtenances to be included within the project's design and/or construction, and which features and appurtenances are determined by the State to be not necessary for the project, the LPA shall contribute 100% of the cost of those items.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice,

in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV Authority to Sign

The LPA hereby authorizes Mayor _____ of said _____ Village of Beaverdam to
(Signature authority) (LPA-or its division, department or agency)

enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor _____ is also empowered to execute any appropriate documents to (Signature authority) affect the assignment of all rights, title, and interests of the Village of Beaverdam to ODOT arising from any (LPA) agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V - Utilities and Right-of-Way Statement

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.

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.

7/23/2019

PID No.: 110217

SECTION VI - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project 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 the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII-Emergency measure

(as applicable)

The Ordinance 2019-21 is hereby declared to be an emergency measure to expedite the highway project and (Motion/Ordinance/Resolution) 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.

Passed: August 6, 2019.
(Date)

Attested: Trina Hirsch
(Clerk)

Pamela L. Loh
(Contractual Agent of LPA — title)