

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance # : O-20-2018

PID No. : 104170

County/Route/Section: TUS Canal St. Improvements

Agreement No: 32519

The following is an Ordinance enacted by the Village of Bolivar of Tuscarawas County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the LPA has determined the need for the described project:

Streetscape project on Canal Street from Tuscarawas Street to Poplar Street including curb and sidewalk replacement with bump outs and ADA ramps at various locations. Includes minor drainage, ornamental trees and decorative lighting.

NOW THEREFORE, be it ordained by the Village of Bolivar of Tuscarawas County, Ohio.

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 agrees to participate in the cost of the project less any Federal or State funds provided. For Preliminary Engineering, Construction and Construction Engineering, below are the maximum Federal and State funding sources:

- *Federal Transportation Alternative Program funds \$539,600.00 (95%)*
- *Federal Appalachian Regional Commission funds \$80,400.00 (100%)*
- *State Appalachian Regional Commission funds \$69,600.00 (100%)*
- *Ohio Public Works Commission funds \$240,200.00 (100%)*

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

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 the Mayor of said Village of Bolivar to 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 affect the assignment of all rights, title, and interests of the Village of Bolivar to ODOT arising from any 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.

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

This Ordinance is hereby declared to be an emergency measure necessary to the health, safety and welfare of the citizens of the Village of Bolivar, Ohio to expedite the highway project 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.

Passed: October 1, 2018 ____.
(Date)

Attested: _____
(Clerk)

Rebecca S. Hubble, Mayor

**CERTIFICATE OF COPY
STATE OF OHIO**

Village of Bolivar of Tuscarawas County, Ohio
(LPA)

I, Maria App, as Fiscal Officer of the Village of Bolivar
(LPA)

of Tuscarawas County, Ohio, do hereby certify that the foregoing is a true and correct copy of
ORDINANCE O-20-2018 adopted by the legislative Authority of the said
(Motion/Ordinance/Resolution)

Village of Bolivar on the 1st day of October, 2018.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this 1st day of October, 2018.

SEAL

(Clerk)

Village of Bolivar of Tuscarawas County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")