

**CITY OF ENGLEWOOD  
IN  
MONTGOMERY COUNTY, OHIO**

**ORDINANCE NO: 15-09 Passed: May 12, 2015**

**AN ORDINANCE:** **RESCINDING ORDINANCE #14-3 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR AN URBAN PAVING RESURFACING PROGRAM ON US 40 & SR 48 WITHIN THE CITY OF ENGLEWOOD AND DECLARING AN EMERGENCY (MOT US 40/SR 48 9.75/21.45/23.16)(PID #97580)**

**WHEREAS**, the public interest requires that the Ohio Department of Transportation maintain and keep in repair State Routes within the City of Englewood

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
ENGLEWOOD, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:**

**SECTION I** That Ordinance #14-3 is hereby rescinded.

**SECTION II** That the City Manager is hereby authorized and directed to execute an agreement with the Ohio Department of Transportation for an Urban Paving Resurfacing Program on U.S. 40 and SR 48 within the City of Englewood; marked 'Attachment A' and made part hereof.

**SECTION III** That the Council acknowledges the City's financial responsibility of 20% of total project expenses which are estimated to be \$1,368,468.67.

**SECTION IV** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with all legal requirements.

**SECTION V**

That this Ordinance is hereby declared to be an emergency measure for the reason that it is intended to promote highway safety and to expedite highway projects for the public health, safety and welfare. As such, this legislation shall be in full force and effect immediately upon passage.

**PASSED** this 12th day of May, 2015.

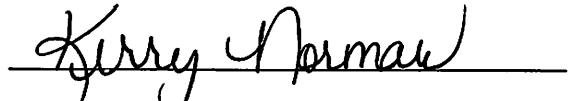
Patricia Burnside  
Patricia Burnside, Mayor

ATTEST:

Kerry Norman  
Kerry Norman, Clerk of Council

## C E R T I F I C A T E

**I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio,** do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 12th day of May, 2015.

  
\_\_\_\_\_  
Kerry Norman, Clerk of Council

## CERTIFICATE OF POSTING

**I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio,** do hereby certify publication of the foregoing **ORDINANCE** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.

  
\_\_\_\_\_  
Kerry Norman, Clerk of Council

# ATTACHMENT A

## PRELIMINARY LEGISLATION – Urban Paving Participatory

Rev. 6/26/00

Ordinance/Resolution # 15-09  
PID No. 97580  
MOT US 40/SR 48 9.75/21.45/23.16

The following is Ordinance/Resolution enacted by the City of Englewood, Montgomery County, Ohio, hereinafter referred to as the City in the matter of the stated described project.

This will rescind your ordinance number 14-3 due to added work locations.

### **SECTION I - Project Description**

WHEREAS, the STATE has identified the need for the described project:

Pavement planning and resurfacing of US 40 from Straight Line Mile 9.75 to 10.78 and on State Route 48 Straight Line Mile 21.45 to 22.13 and Straight Line Mile 23.16 to 24.11 within the City of Englewood, Montgomery County, Ohio. Said project is further identified as MOT US 40/SR 48 9.75/21.45/23.16.

NOW THEREFORE, be it ordained by the City of Englewood, Ohio.

### **SECTION II - Consent Statement**

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

### **SECTION III - Cooperation Statement**

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

ODOT will provide funding from its allocated Urban Paving Program funds on an eighty percent/twenty percent (80%/20%) basis with the State providing the eighty percent (80%) of the funding for the project and the city providing the twenty percent (20%) of the funding for the project.

The city agrees to pay one hundred percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

And further, if the city requests to perform any other work beyond the resurfacing treatment, the city shall assume and bear one hundred percent (100%) of the costs associated with those items.

#### **SECTION IV - Utilities and Right-of-Way Statement**

The city agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The city also understands that right-of-way costs include eligible utility costs.

The city agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

#### **SECTION V – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the city 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 such 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.

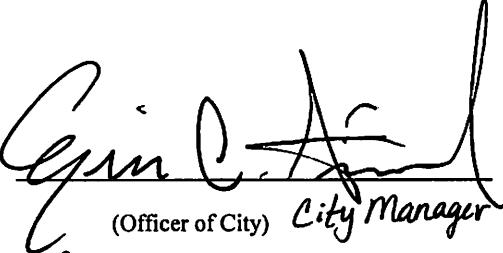
#### **SECTION VI - Authority to Sign**

The City Manager of said City of Englewood is hereby empowered on  
(Contractual Agent/Title)  
behalf of the City of Englewood to enter into contracts with the Director of Transportation  
necessary to complete the above described project.

Passed: May 12, 20 15.  
(Dated)

Attested: Kerry Norman  
(Clerk)

Attested: \_\_\_\_\_  
(Clerk)

  
Lynn C. Nair  
(Officer of City) City Manager  
  
Patricia Burnside  
(President of Council) Mayor

This Ordinance/Resolution is hereby declared to be an emergency measure 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.

CERTIFICATE OF COPY  
STATE OF OHIO

City of Englewood of Montgomery County, Ohio

I, Kerry Norman, as Clerk of the City of Englewood of Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance/Resolution adopted by the legislative Authority of the said City of Englewood on the 12<sup>th</sup> day of May, 2015, that the publication of such Ordinance/Resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance/Resolution have been taken; and that such Ordinance/Resolution and certificate of publication thereof are of record in \_\_\_\_\_, Page \_\_\_\_\_.  
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 12<sup>th</sup> day of May, 2015.

Kerry Norman  
Clerk  
City of Englewood, Ohio.

SEAL  
(REQUIRED or Letter stating No Seal)

The aforesaid is accepted as a basis for proceeding with the project herein described for the City of Englewood, Ohio.

Attest:

Kerry Norman

Contractual Officer

Gin C. H.

, Date 5-13-15

\*\*\*\*\*  
For the State of Ohio

Attest:

\_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation