

**CITY OF ENGLEWOOD**

**IN**

**MONTGOMERY COUNTY, OHIO**

**ORDINANCE NO: 15-12 Passed: July 14, 2015**

**AN ORDINANCE: AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE STILLWATER BIKEWAY BRIDGE PROJECT (PID #99981) AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Englewood has identified the need for the Stillwater Bikeway Bridge Project; and

**WHEREAS**, this project promotes the public health, safety and welfare by providing additional recreational opportunities, a properly engineered and handicapped accessible inter-connected multi-use pathway and the renovation of an historical structure, compliant with the environmental backdrop of a state scenic river and surrounding park land.

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

**SECTION I** That the City Manager is hereby authorized and directed to execute an agreement with the Ohio Department of Transportation for the MOT Stillwater Bikeway Bridge Project (PID No. 99981); marked 'Attachment A' and made part hereof.

**SECTION II** That the Council acknowledges the City's financial responsibility of 100% of total project expenses, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

**SECTION III** 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 IV** 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.

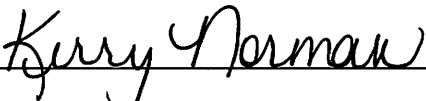
**PASSED** this 14th day of July, 2015.

*Patricia Burnside*  
\_\_\_\_\_  
Patricia Burnside, Mayor

ATTEST:  
*Kerry Norman*  
\_\_\_\_\_  
Kerry Norman, Clerk of Council

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

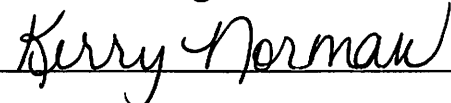
**I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio,** do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 14th day of July, 2015.

  
\_\_\_\_\_

Kerry Norman, Clerk of Council

## C E R T I F I C A T E O F P O S T I N G

**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 – City Participatory

Rev. 6/26/00

Ordinance/Resolution # 15-12

**PID No. 99981**

### **MOT STILLWATER BIKEWAY BRIDGE**

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

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

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

Construction of a covered bridge to enhance the existing bikeway/pedestrian access and provide a connection with the regional bikeway system. The bridge would be constructed on the precise location of the former Historic National Road covered bridge, within the City of Englewood, Montgomery County, Ohio. Said project further identified as **MOT STILLWATER BIKEWAY BRIDGE**.

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

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

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

The City agrees to assume and bear one-hundred percent (100%) of the entire cost of this improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the City also agrees to assume and bear one-hundred percent (100%) of the cost of any construction items requested by the LPA on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

The City further 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.

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

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and

Federal regulations, all necessary right-of-way required (if applicable) for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall 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 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 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 – Consultants and Authority to Sign**

The City Manager of said City of Englewood is hereby empowered on behalf of (Contractual Agent-Title) the City of Englewood to enter into contracts with ODOT prequalified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the City Manager is also empowered to assign all rights, title, and interest of the City (Contractual Agent-Title) of Englewood 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.

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 the 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 consult 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.

Passed: July 14, 2015.  
(Date)

Attested: Kerry Norman  
(Clerk)

Patricia Burnside, Mayor  
(Officer of City)

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

\_\_\_\_\_  
(President of Council)

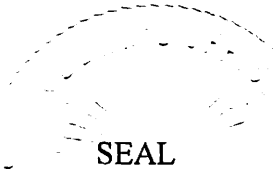
This Ordinance/Resolution is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in 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 14th day of July, 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 14th day of July, 2015.



SEAL  
(REQUIRED or Letter stating no seal)

Kerry Norman  
Clerk  
City of Englewood, Ohio.

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

Attest: Kerry Norman Erin C. Smith, Date 7-15-15  
Contractual Officer City Manager

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

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

