

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

ORDINANCE NO: 24-05

PASSED: JUNE 11, 2024

AN ORDINANCE: AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE PATCHING AND REPAIRING ON SEVERAL BRIDGES IN DISTRICT 7 INCLUDING ON STATE ROUTE 49 OVER WOLF CREEK (SALEM AVE) IN THE CITY OF ENGLEWOOD AND DECLARING AN EMERGENCY

WHEREAS, the City of Englewood desires to fully cooperate with the Ohio Department of Transportation (ODOT) to achieve the paving and repairing of several bridges in District 7 including SFN 5704324 on State Route 49 over Wolf Creek (Salem Avenue) in the city; and

WHEREAS, the ODOT funding portion is 100% and the local share is 0%; and

WHEREAS, ODOT has proposed a legislative contract specifying the terms and conditions of this cooperative project.

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 the attached legislative agreement, marked "Attachment A", be and made part hereof, with the Ohio Department of Transportation to accomplish the project therein described, Patching and Repairing on several bridges in District 7 including SFN 5704324 on State Route 49 over Wolf Creek (Salem Avenue) in the City of Englewood (PID #116930).

SECTION II 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 III 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 11th day of June, 2024.

ATTEST:

Cathy McGrail, Mayor
Cathy McGrail, Mayor

Marla Goodrich
Marla Goodrich, Clerk of Council

C E R T I F I C A T E

I, Marla Goodrich, 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 11th day of June, 2024.

Marla Goodrich
Marla Goodrich, Clerk of Council

CERTIFICATE OF POSTING

I, Marla Goodrich, 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.

Marla Goodrich
Marla Goodrich, Clerk of Council

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Englewood, Ohio, 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.

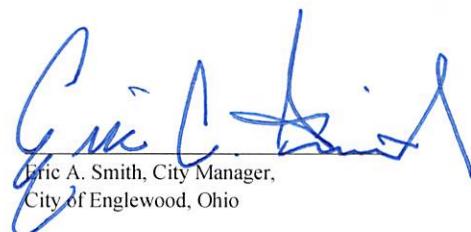
SECTION VII-Emergency measure

The Ordinance is hereby declared to be an emergency measure 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: June 11, 2024.

Attested:


Marla Goodrich, Clerk of Council


Eric A. Smith, City Manager,
City of Englewood, Ohio

PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(CONSENT)

Ordinance # : 24-05
PID No. : 116930
County/Route/Section : D07 BH FY26 (A)
Agreement No: _____

The following is a/an Ordinance enacted by the City of Englewood of Montgomery County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the City of Englewood, Ohio, has determined the need for the described project:

This project will provide patching & repairing on several bridges in District 7 including SFN 5704324 on State Route 49 over Wolf Creek (Salem Ave.) in the City of Englewood.

NOW THEREFORE, be it ordained by the City of Englewood of Montgomery 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 State shall assume and bear 100% of all of the costs of the improvement.

The LPA 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.

SECTION IV Authority to Sign

The LPA hereby authorizes Eric A. Smith, City Manager, of said City of Englewood, Ohio, 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.

6/6/2024

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Englewood of Montgomery County, Ohio.

I, Marla Goodrich, as Clerk of the City of Englewood, Ohio, of Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance 24-05 adopted by the legislative Authority of the said City of Englewood, Ohio, on the 11th day of June, 2024.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 11th day of June, 2024.



Marla Goodrich
(Clerk, Marla Goodrich)

City of Englewood of Montgomery County, Ohio