

Ordinance 29-2024

**AN ORDINANCE AUTHORIZING THE VILLAGE OF DELTA,
FULTON COUNTY, OHIO, TO EXECUTE AN AGREEMENT
WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR
THE SLIDE REPAIR ON U.S. 20 AT SLN 19.29**

WHEREAS, the Village of Delta (herein after referred to as the Local Public Agency (LPA)) desires to partner with the Ohio Department of Transportation and other entities to engage in the slide repair of U.S. 20A at SLN 19.29; and

WHEREAS, In order for ODOT to construct the project within the Village limits, Preliminary Consent legislation is required to proceed; and

WHEREAS, ODOT has determined the need for the slide repair of U.S. 20 at LLM 19.20.

NOW THEREFORE, be it ordained by the Village of Delta of Fulton County, Ohio, That:

SECTION I. 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 II. 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. No such features have been requested to date.

SECTION III. The LPA hereby authorizes the Village Administrator of said Village of Delta 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 Village Administrator is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the Village of Delta 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 IV. 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 consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA. 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 V. 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 VI. That this Ordinance was passed and all actions and deliberations of the Council relating to were conducted in meetings open to the public pursuant to Section 121.22 of the Ohio Revised Code.

Passed this ____ day of _____, 2024

MAYOR

CLERK OF COUNCIL