RESOLUTION NO. 15 , 2009

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL-LET PROJECT AGREEMENT (ARRA FUNDED PROJECT) WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO MICROSURFACE CORNELL ROAD

WHEREAS, this Resolution is enacted by the City of Montgomery, Hamilton County, Ohio hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Ohio:

SECTION 1. The LPA and State of Ohio have identified the need for the described project:

HAM-CR 256-3.20 (Cornell Road) PID 86236.

SECTION 2. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION 3. The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City will be responsible for:

100% of the Preliminary Engineering Phase
100% of the Right-of-Way Costs
100% of the non-State and/or non-Federal share of the Construction costs exceeding $132,000
All costs for added construction items requested by the LPA which are not necessary for the improvement as determined by the State and the Federal Highway Administration

SECTION 4. 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 5. 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 purposes.

SECTION 6. The City Manager of said City of Montgomery is hereby empowered on behalf of the City of Montgomery to enter into contracts with an ODOT pre-qualified consultant for the preliminary phase of the Project and enter into contracts with the Director of Transportation necessary to complete the above described project. Upon request of ODOT, the City Manager is also empowered to assign all rights, title, and interests of City of Montgomery to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to error 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 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 7. This Resolution shall be in full force and effect from and after its passage.

PASSED: May 6, 2009

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director