

RESOLUTION NO. 33 , 2011

**A RESOLUTION GIVING CONSENT TO THE DIRECTOR OF
TRANSPORTATION TO RESURFACE U.S. ROUTE 22 (MONTGOMERY ROAD)
BETWEEN GALBRAITH ROAD AND SR 126**

WHEREAS, the following 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; and

WHEREAS, the State has identified the need for the following described project:

Between Galbraith Road and Dearwester Drive in Hamilton County change lane configuration from 4 to 3 lanes, with left turn lanes at side roads and a center two way left turn lane between side roads. Widen the shoulder 2 feet, replace catch basins, install curb and resurface the pavement between Galbraith Road and SR 126 a portion being within the City of Montgomery. In Warren County, remove a portion of existing concrete median to create a left turn lane.

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

SECTION 1. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION 2. The State shall provide 100% of the eligible cost of the project.

SECTION 3. The City agrees to pay one hundred percent (100%) of the cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 4. The State/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.

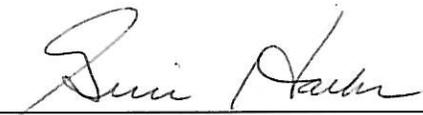
SECTION 5. The State/LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 6. Upon completion of the Project, and unless otherwise agreed, the City shall (1) provide adequate maintenance for the Pfeiffer Road portion of the Project in accordance with all applicable state and federal laws, including but not limited to, ORC 5501.49 and Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of said portion 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 7. This Resolution shall be in full force and effect from and after its passage.

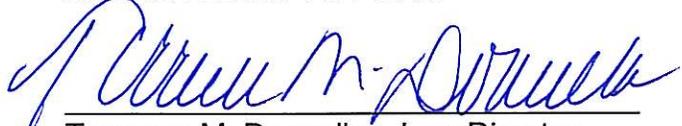
PASSED: October 5, 2011

ATTEST: _____
Susan J. Hamm, Clerk of Council



Gerri Harbison, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director