

RESOLUTION NO. 39 , 2011

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A FEDERAL LOCAL LET PROJECT AGREEMENT WITH THE OHIO
DEPARTMENT OF TRANSPORTATION FOR THE PROJECT KNOWN AS THE HAM-
US 22/SR 3 -15.20 (MONTGOMERY ROAD IMPROVEMENTS) PROJECT,
PID NO. 89182**

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 City has identified the need for the following described project:

Improvements include additional of a right turn lane from northbound Montgomery Road into Bethesda North, an additional left turn lane from eastbound Pfeiffer Road to northbound Montgomery Road, install sidewalk along the east side of Montgomery Road, including signing and traffic signal modifications.

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 City is responsible for one hundred percent (100%) of the preliminary engineering phase; the Non-Federal share of the right-of-way phase; and the Non-Federal share of the construction phase. All cost for added construction items requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

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 City 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 City also understands that right-of-way costs include eligible utility costs.

SECTION 5. The City 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. The City Manager of said City of Montgomery is hereby empowered on behalf of the City of Montgomery to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION 8. This Resolution shall be in full force and effect from and after its passage.

PASSED: November 2, 2011

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

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM

Terrence M. Donnellon
Terrence M. Donnellon, Law Director