

**RESOLUTION NO. 35 , 2013**

**A RESOLUTION GIVING CONSENT TO THE DIRECTOR OF  
TRANSPORTATION TO CRACK SEAL A PORTION OF US 22 FROM SOUTH  
WELLER ROAD TO THE NORTHERN CORPORATION LIMIT AND AROUND THE  
RAMP TO I-275 IN THE CITY OF MONTGOMERY**

**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:

Crack seal a portion of US 22 from south of Weller Road (SLM 15.84) to the northern corporation limit (SLM 15.87) and around the ramp to I-275 from (SLM 16.27) to (SLM 16.39) in the City of Montgomery.

**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 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 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 Project in accordance with all applicable state and federal laws, 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 7.** This Resolution shall be in full force and effect from and after its passage.

PASSED: November 6, 2013

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

*Ken Suer*  
Ken Suer, Mayor

APPROVED AS TO FORM

*Terrence M. Donnellon*  
Terrence M. Donnellon, Law Director