

RESOLUTION NO. 5 , 2013

**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-
IR 71-14.33 PROJECT, PID NO. 94628**

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

Provide an auxiliary lane for southbound IR71 from the Pfeiffer on ramp to the SR126 off ramp. Project requires extension of a culvert and moving of a short section of noise wall.

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.

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

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

SECTION 2. The Ohio Department of Transportation shall assume and bear 100% of the necessary costs of the State's highway improvement project. In the event that the City of Montgomery requests certain features or appurtenances be included within the project, and which feature and appurtenances are determined by the State and FHWA to be not necessary for the State's project, the City shall contribute 100% of the cost of those items.

SECTION 3. The State/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 4. 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 5. Upon completion of the Project, and unless otherwise agreed, the State shall (1) provide routine 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 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 6. The Montgomery City Manager is hereby empowered on behalf of the City to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION 7. This Resolution shall be in full force and effect from and after its passage.

PASSED: February 6, 2013

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

Ken Suer
Ken Suer, Mayor

APPROVED AS TO FORM

Terrence M. Donnella
Terrence M. Donnella, Law Director