

Passed: September 14, 2009
By: Chaiken

RESOLUTION NO. 2009-10

A RESOLUTION ADOPTING PRELIMINARY LEGISLATION IN CONNECTION WITH
OBTAINING FINANCING FROM THE OHIO DEPARTMENT OF TRANSPORTATION
FOR GALBRAITH ROAD PROJECT

WHEREAS, Village Council having identified the need for repairs and improvements to, and resurfacing of, Galbraith Road, within the Village; said project being described as follows:

Rehabilitate deteriorated pavement by milling existing pavement and replace with one half inch SAMI, one inch item 448 intermediate course and one and a quarter inch Type 1 surface. Including replace damaged curb, repair pavement distressed areas, repair damaged inlets, install ADA compliant ramps where needed, upgrade existing traffic signals at Sagamore and Lynnehaven with pedestrian signals, push buttons and battery backup, install RPM's and install thermoplastic pavement markings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF AMBERLEY VILLAGE, STATE OF OHIO, seven (7) members elected thereto concurring:

SECTION 1: Consent Statement: Being in the public interest, Amberley Village, Hamilton County, Ohio, hereinafter referred to as the Local Public Agency (LPA), gives consent to the Director of Transportation to complete the above described project.

SECTION 2: Cooperation Statement: The LPA shall cooperate with the Director of Transportation in the above described projects as follows:

Ohio Department of Transportation (hereinafter ODOT) shall provide one hundred percent (100%) of the eligible costs up to a maximum amount of \$1,000,000.00 in OKI Federal ARRA Funds.

The LPA agrees to assume and bear one hundred percent (100%) of the Preliminary Engineering and Right-of-Way Phases plus all other financial resources necessary to fully complete the project.

The LPA further agrees to pay one hundred percent (100%) of the cost of those features requested by the Village which are outside the scope of the ARRA application as determined by the State and Federal Highway Administration.

SECTION 3: Utilities and Right-of-Way Statement: 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 accommodations, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4: Maintenance: Upon completion of the Project, and unless otherwise agreed, the Village 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 highway purposes.

SECTION 5: Authority to Sign: Bernard E. Boraten, the LPA's Village Manager, is authorized and directed, on behalf of the LPA, to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION 6: This Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval.

Mayor Charles Kamine

ATTEST:

Nicole Browder, Clerk of Council

I, Clerk of Council of the Village of Amberley Village, Ohio, certify that on the ____ day of _____, 2009, the foregoing Resolution was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Resolution at all the places of public notice as designated by Sec. 31.40 (B), Code of Ordinances.

Nicole Browder, Clerk of Council