

Ordinance/Resolution # : _____

PID No. : 114697

County/Route/Section : HAM CR 457 14.97

Agreement No: 36265

**CITY OF CHEVIOT
STATE OF OHIO**

ORD 22-27

TO AUTHORIZE THE SAFETY-SERVICE DIRECTOR TO ENTER INTO THE LPA FEDERAL ODOT-LET PROJECT AGREEMENT BETWEEN THE CITY OF CHEVIOT AND THE OHIO DEPARTMENT OF TRANSPORTATION AGREEING TO PARTICIPATE IN THE CONSTRUCTION OF A SECTION OF HARRISON AVENUE; AND TO DECLARE AND EMERGENCY

WHEREAS, the City of Cheviot, Ohio, hereinafter referred to Local Public Agency (LPA) has determined the need for the described project:

Implement pedestrian safety improvements along Harrison Ave within the City of Cheviot. Improvements include a road diet, curb bump outs, RRFBs, a raised intersection, raised crosswalks, and pavement marking/signing upgrades.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS THEREOF CONCURRING, THAT:

SECTION I – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION II – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the cost of the project with a 10% match of the funds. The maximum funds from the grant is \$1,000,000. After the cap the LPA will pay 100% of project costs. The 10% local match will be covered with the Toll Revenue funds for the subject project.

11/01/2022

PID No.: 114697

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION III Authority to Sign

The LPA hereby authorizes Thomas L. Braun, Safety-Service Director of said City of Cheviot to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, Thomas L. Braun, Safety-Service Director, is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Cheviot to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION IV – 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 accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

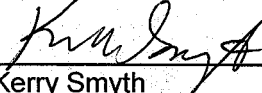
11/01/2022

PID No.: 114697

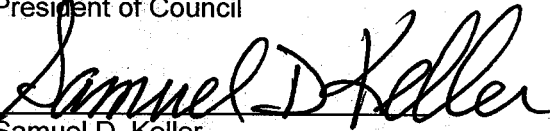
Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for 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 VI -Emergency measure

This ordinance shall be an emergency measure for the health, safety, and welfare of the citizens of Cheviot and shall take effect immediately. The emergency is necessary to expedite the highway project, to promote highway safety, and to keep the City's streets as safe as possible. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.


Kerry Smyth
President of Council


11/1/22
Date passed


Samuel D. Keller
Mayor

11/1/22
Date approved

Attest:

Approved as to form:


Jenny M. Eilermann
Clerk of Council



Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Cincinnati Court Index*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

1) 11/4, 2022, and

2) 11/10, 2022.


Jenny M. Eilermann
Clerk of Council

11/01/2022

PID No.: 114697

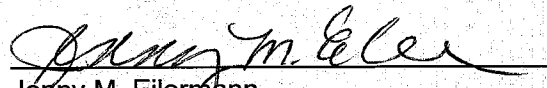
**CERTIFICATE OF COPY
STATE OF OHIO**

City of Cheviot of Hamilton County, Ohio

I, Jenny Eilermann, as Clerk of Council of the City of Cheviot, Hamilton County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance 22-27 adopted by the legislative Authority of the said City of Cheviot on the 11th day of November, 2022.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 1 day of November 2022

SEAL



Jenny M. Eilermann

Clerk of Council

City of Cheviot, Hamilton County, Ohio