

PRELIMINARY LEGISLATION

Rev. 6/26/00

Ordinance # 2009-05
PID No. 81671
County/Route/Section HOL-62-9.91

The following is an Ordinance enacted by the village of Killbuck, Holmes County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Being the resurfacing with an average one and three-fourths (1 ¾) inches of asphaltic concrete on United States route 62 from the village west corporation limit (SLM 12.37) to the west corporation limit (SLM 12.72); length 1848 ft., width 12 ft. (½ of 24).

WHEREAS, a portion of the project is within the municipal corporation limits.

NOW THEREFORE, be it ordained by the village of Killbuck, Ohio.

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

ODOT shall assume and bear 100% of the necessary costs of the State's highway improvement project. In the event the Village requests certain features or appurtenances be included within the State's highway improvement project's design and construction, and which features and appurtenances are determined by the State and FHWA to be not necessary for the State's project, the Village shall contribute 100% of the cost of those items.

If curb ramps are constructed by ODOT in compliance with ADA, future maintenance of installed sidewalk curb ramps shall be the responsibility of the Village.

The Village shall adjust any existing castings, as required, with Village forces.

SECTION IV - Utilities and Right of Way Statement

The LPA agreed that all right of way required (if applicable) 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 agreed that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR and the ODOT Utilities Manual.

SECTION V - Maintenance

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 - Authority to Sign

The Mayor of said Killbuck is hereby empowered on behalf of the village of Killbuck to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: August 3rd, 2009.

Attested: Ayla Beruina
(Clerk)

Oliver Hill
Mayor

Attested: Juscal Officer
(Title)

Rick Lall
President of Council

This Ordinance 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, otherwise it shall take effect and in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

Village of Killbuck of Holmes County, Ohio

I, Nyla Burick, as Clerk of the village of Killbuck, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance # 2009-05 adopted by the legislative Authority of the said village of Killbuck on the 3rd day of August, 2009, that the publication of such Ordinance # 2009-05 has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance # 2009-05 have been taken; and that such Ordinance # 2009-05 and certificate of publication thereof are of record in Ordinance # 2009-05, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 3rd day of August, 2009.

Nyla Burick
Clerk
Village of Killbuck, Ohio

(Seal)
(If Applicable)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the village of Killbuck, Ohio

Attest: Nyla Burick Oliver AL, Date 8-3-09
Contractual Officer

For the State of Ohio

Attest: Wendy L. Hitchcock Jolene M. Moktoris/PA Date 8/11/09
Director, Ohio Department of Transportation