

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF REPAVING STATE ROUTE 4 AND ASSOCIATED WORK WITHIN THE CITY OF MARION

Section I – Project Description

WHEREAS, the STATE has identified the need for the described project: Urban Paving project to resurface State Route 4, along with other associated work within the City of Marion.

NOW THEREFORE, be it ordained by the City of Marion, 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:

The LPA agrees to pay Twenty Percent (20%) for the cost of construction for the urban paving surface course and associated items.

The LPA further agrees to pay One Hundred Percent (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.

(Optional-if required) The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

Section IV – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including but not limited to Title 23 USC 116; (2) provide ample financial resources, 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 V – Authority to Sign

The Director of Public Works for the City of Marion is hereby empowered on behalf of the City of Marion to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Director of Public Works is also empowered to assign all rights, title, and interests of the City of Marion 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 execute all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the 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 VI – Emergency

This Ordinance is hereby declared to be an emergency measure to expedite the Highway Project and to promote Highway Safety and to meet deadlines. 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.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council