

VILLAGE OF MARIEMONT, OHIO

RESOLUTION NO. R- 47 -15

**TO AUTHORIZE OHIO DEPARTMENT OF TRANSPORTATION TO  
PROCEED WITH PROJECT PID NO. 99816 HAM-MURRAY AV  
BIKEPATH;  
AND ENTER INTO CONTRACT; AND TO DECLARE EMERGENCY**

WHEREAS, the following resolution enacted by the Village of Mariemont, Hamilton 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 LPA has identified the need for the described project:

The installation of a shared use path in the grass median on Murray Avenue from Settle Street to Plainville Road and the installation of Rectangular Rapid Flashing Beacons at the Murray Avenue and Plainville Road intersection.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE  
OF MARIEMONT, HAMILTON COUNTY, OHIO, TWO THIRDS OF  
THE MEMBERS ELECTED THERETO CONCURRING:**

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:

- 1.) The Village is responsible for 100% of the Right of Way phase, plus the non-federal share of the Preliminary Engineering and Construction Phases.
- 2.) Additionally, the Village is responsible for all cost for added construction items requested by the Village which are not necessary for the improvement as determined by the State and Federal Highway Administration.
- 3.) Additionally, the Village is responsible for all 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 Village. The Village shall contribute its share of the cost of these items in accordance with other sections herein

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

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 VI. – Authority to Sign

The Fiscal Officer and the Mayor for the Village of Mariemont are hereby empowered on behalf of the Village of Mariemont to enter into contracts with the Director of Transportation necessary to complete the above described project.

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 the 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

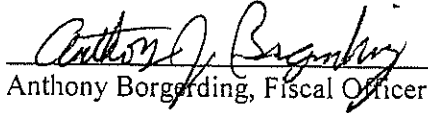
SECTION VII. That this Resolution is an emergency measure necessary for the health, safety and welfare of the Village. The reason for the emergency is to insure that the work gets completed during favorable weather.

Passed: October 12, 2015

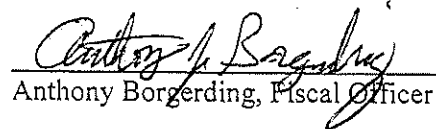


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Daniel Policastro, Mayor

ATTEST:

  
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Anthony Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 13<sup>th</sup> day of October, 2015.

  
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Anthony Borgerding, Fiscal Officer