

CITY OF FRANKLIN, OHIO
RESOLUTION 2018-52

**PRELIMINARY PARTICIPATORY LEGISLATION FOR THE ODOT
CLEAR CREEK BIKE PATH CONNECTOR PROJECT**

The following Resolution is enacted by the City of Franklin, Warren County, Ohio, hereinafter referred to as the Local Public Agency (“LPA”), in the matter of the Project described herein.

SECTION I — Project Description

WHEREAS, the Local Public Agency has identified the need for the following described project (“Project”):

Construction of a 10' wide shared use path. A bridge will be utilized for the bike path to cross Clear Creek just north of Hazelwood Park and the bike path will cross under I-75 bridge crossing Clear Creek.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of Council members present concurring, that:

SECTION II — 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 III — Cooperation Statement

The LPA shall cooperate the Ohio Department of Transportation (“ODOT”) 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. The City of Franklin will be responsible for 100% of the PE and Right of Way cost, and the non-federal share of the construction cost.

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 IV — Authority to Sign

The City Manager of said City of Franklin is hereby authorized on behalf of the City of Franklin 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 the request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Franklin 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 V — 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 VI — 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 laws including, but not limited to, Title 23 USC 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 VII - Sunshine Law

It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

SECTION VIII - Effective Date

This Resolution shall take effect and be in force immediately upon its passage.

ADOPTED: August 20, 2018

ATTEST: Jane McGee
Jane McGee, Clerk of Council

APPROVED: Todd Hall
Todd Hall, Mayor

CERTIFICATE

I, the undersigned Clerk of council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Resolution 2018-52 passed by that body on August 20, 2018.

Jane McGee
Jane McGee, Clerk of Council

CERTIFICATE OF COPY
STATE OF OHIO

City of Franklin of Warren County, Ohio
(LPA)

I, Jane McGee, as Clerk of Council of the City of Franklin, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution 2018-52, adopted by the Council of the said City of Franklin on the 20th day of August, 2018; and that publication of such Resolution is not required pursuant to the Franklin City Charter; and that Resolutions are not subject to referendum per the Franklin City Charter.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 20th day of August, 2018.

(Seal)



Jane McGee, Clerk of Council
City of Franklin of Warren County, Ohio