

ORDINANCE NO. 038-15

AN ORDINANCE FOR THE CITY OF NAPOLEON TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR REPLACEMENT OF THE STEVENSON STREET BRIDGE OVER OBERHAUS CREEK; AND DECLARING AN EMERGENCY

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

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

Now therefore, be it ordained by the Council of the City of Napoleon, Ohio:

SECTION 1. Project Description. That, the project is described as follows: The replacement of Stevenson Street bridge over Oberhaus Creek.

SECTION 2. Consent Statement: That, this Council (LPA) determines it being a public interest to give consent to the Director of Transportation to complete the above described project.

SECTION 3. Cooperation Statement: That, this Council (LPA) shall cooperate with the Director of Transportation in the above described projects as follows:

1) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.

2) The LPA consents to having the State acquire all necessary rights of way for the subject projects in the name of the LPA.

3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the projects under its jurisdiction.

4) The State agrees to be the lead agency and to administer all phases of the projects.

SECTION 4. Utilities and Right-of-Way Statement: That, this Council (LPA) agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described projects shall be made available therefor. The LPA further agrees that any right-of-way acquired by said LPA on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations. 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 5. Maintenance: That, upon completion of the Projects, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Projects under the jurisdiction of the LPA 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 those portions of the Projects under its jurisdiction; 3) maintain the right-of-way, keeping it free of obstructions; and 4) hold said right-of-way inviolate for public highway purposes.

SECTION 6. Authority to sign: The City Manager of Napoleon, Ohio is empowered on behalf of the City to enter into contracts with the Director of Transportation necessary to complete the above

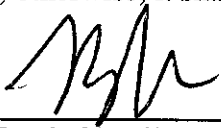
described project.

SECTION 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

SECTION 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

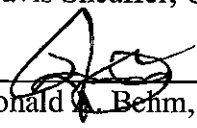
SECTION 9. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to timely promote public safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: 07/20/2015



Travis Sheaffer, Council President

Approved: 07/20/2015



Ronald A. Behm, Mayor

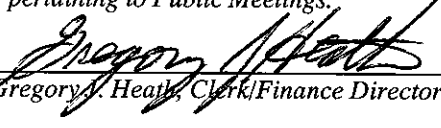
VOTE ON PASSAGE 6 Yea 0 Nay 1 Abstain

Attest:



Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 038-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 25th day of August, 2015; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.



Gregory J. Heath, Clerk/Finance Director