

## PRELIMINARY LEGISLATION

Consent

Ordinance # 04-7-17

PID No. 101211

County/Route/Section FUL/HEN 66/108 0.00/17.66 Resurf

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.

### **SECTION I - Project Description**

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

*Resurface SR66 in Fulton County from Henry Co Line to a bridge near Taylor Rd and in Henry County resurface SR 108 from near CR-R to the Fulton Co Line, parts of which are located within the City.*

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

- 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 project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases of the project.

**SECTION IV - Utilities and Right-of-Way Statement**

The LPA agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described project 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 V - Maintenance**


Upon completion of the Project, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Project 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 Project 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 VI - Authority to Sign**

The City Manager of said City is hereby empowered on behalf of the City  
(Contractual Officer)

to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: August 7, 2017

  
Travis B. Sheaffer, Council President

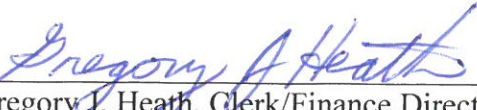
Approved: August 7, 2017

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) 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 be in force from and after the earliest period allowed by law.

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. 047-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 14th day of August, 2017; & 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

CERTIFICATE OF COPY  
STATE OF OHIO

City of Napoleon, Henry County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Napoleon, Ohio, do hereby  
certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative  
Authority of the said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, that the  
publication of such ordinance has been made and certified of record according to law; that no  
proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance  
and certificate of publication thereof are of record in

\_\_\_\_\_, Page \_\_\_\_\_.  
(Ordinance Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official  
seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Clerk

(SEAL)  
(If Applicable)

City of Napoleon, Ohio

The afore going is accepted as a basis for proceeding with the project herein described.

For the City of Napoleon, Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

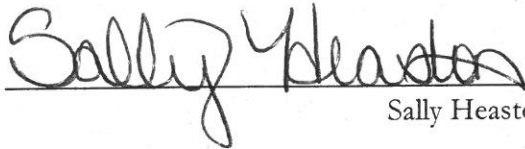
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For the State of Ohio

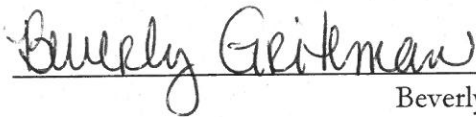
Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

STATE OF OHIO  
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 14th day of August 2017.

  
Sally Heaston

Subscribed and sworn to before me this  
17th day of August, 2017

  
Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$155.40  
Notary Fee: \$1.50

**Summary of Ordinance No.(s) 045-17; 047-17  
and Resolution No. 046-17**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance 045-17**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2017; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the second quarter budget adjustments to the 2017 budget for the City of Napoleon, Ohio.

**Ordinance 047-17**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) STATE ROUTE 108 RESURFACING PROJECT, P.I.D. NUMBER 101211, PORTIONS OF WHICH ARE LOCATED WITHIN CITY LIMITS; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the City Manager to consent to the ODOT State Route 108 Resurfacing Project of which portions are located within City limits.

**Resolution 046-17**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO DEDICATE A PORTION OF CITY OWNED PROPERTY AS RIGHT OF WAY FOR THE INDUSTRIAL DRIVE STREET IMPROVEMENTS PROJECT, P.I.D. NUMBER 102253; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the City Manager to dedicate a portion of property as a right of way for the Industrial Drive Street Improvements Project.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director