

**PRELIMINARY LEGISLATION**

Consent

Ordinance # 005-20

PID No. 111101

County/Route/Section **HEN-6-12.47 Heat Straighten**

The following is an ordinance enacted by the City of Napoleon, Henry COUNTY 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:

*Heat straightening and painting for accident damaged structure*

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: March 16, 2020.  
(Date)

Attested: Roxanne Dietrich  
(Clerk Signature)

Attested: Roxanne Dietrich  
(Clerk Signature)

[Signature]  
(Contractual Officer Signature)

[Signature]  
(President of Council Signature)

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.

CERTIFICATE OF COPY  
STATE OF OHIO

City of Napoleon, Henry County, Ohio

I, Roxanne Dietrich, 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 16th day of March, 2020, 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 16th day of March, 2020.

Roxanne Dietrich  
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: Roxanne Dietrich [Signature], Date 3/18/20  
Contractual Officer

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For the State of Ohio

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

**Certification**

I, Roxanne Dietrich, Executive Assistant to Appointing Authority/Clerk of Council for the City of Napoleon, Ohio, do hereby certify that this document is a true and correct copy of Ordinance No. 005-20 passed March 16, 2020.

Roxanne Dietrich

Roxanne Dietrich

Executive Assistant to Appointing Authority

Clerk of Council

March 18, 2020

Date