

RECORD OF ORDINANCES

Ordinance No. 01-06-2023

Passed 1-17-, 2023

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO DIRECTOR OF TRANSPORTATION FOR PROJECT ID #118525 PIC-SR56-20.41, TO INSTALL RETAINING WALL SR 56 WITHIN THE CITY LIMITS AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation has identified the need for the described project:

Install a retaining wall to stop stream erosion from undermining SR 56, install guardrail along SR 56, and other associated work within the city limits.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Circleville, County of Pickaway, State of Ohio, as follows:

SECTION I. Being in the public interests, the City of Circleville gives consent to the Director of Transportation to complete the above-described project.

SECTION II. The Service Director of the City of Circleville is hereby empowered on behalf of the City of Circleville to enter into contracts with the Director of Transportation necessary to complete the above-described project.

SECTION III. The City of Circleville shall cooperate with the Director of Transportation in the above-described project as follows:

The City of Circleville agrees to pay for the cost of installing guardrail along SR 56.

The City of Circleville further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the City of Circleville which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City of Circleville 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 City of Circleville. The City of Circleville shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION IV. Upon completion of the described Project, and unless otherwise agreed, the City of Circleville shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to 23USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way inviolate for public highway purposes.

SECTION V. The Service Director of the City of Circleville is hereby empowered on behalf of the City of Circleville to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above Project.

Upon request of ODOT, the Service Director is also empowered to assign all rights, title, and interests of the City of Circleville 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.

The City of Circleville agrees that if Federal Funds are used to pay the cost of any consultant contract, the City of Circleville shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the City of Circleville agrees to incorporate ODOT's "Specification for Consulting Services" as a contract document in all its consultant contracts. The City 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 City of Circleville 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.

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SECTION VII. 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.

PASSED : 1-17-2023 Bryan D. Keller
DATE PRESIDENT OF COUNCIL

ATTEST : [Signature]
CLERK OF COUNCIL

APPROVED : 1-17-2023 [Signature]
DATE MAYOR

APPROVED AS TO FORM: [Signature]
GARY KENWORTHY, CITY LAW DIRECTOR

RECEIVED
[Faint stamp]