

RESOLUTION NO. 007-18R

A RESOLUTION ADOPTING THE CONSENT LEGISLATION SUBMITTED BY THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THEIR GUARDRAIL UPGRADES ON U.S. ROUTE 6 AND U.S. ROUTE 250 OVERPASS PROJECT, PID NO. 106418; AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN THE CONSENT LEGISLATION AND TO EXECUTE ANY NECESSARY CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION TO COMPLETE THE PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, the Ohio Department of Transportation's Guardrail Upgrades on U.S. Route 6 and U.S. Route 250 Overpass Project involves performing guardrail upgrades on U.S. Route 6 just east of Fremont Avenue and on U.S. Route 250 in the southbound direction just south of Lakeshore Avenue and the railroad overpass in the City of Sandusky; and

**WHEREAS**, the consent legislation, a copy of which is attached to this Resolution and marked Exhibit "A", is necessary for the Director of the Ohio Department of Transportation to complete the Guardrail Upgrades on U.S. Route 6 and U.S. Route 250 Overpass Project (D03 GR FY2018 NHS) within the City of Sandusky; and

**WHEREAS**, the consent legislation, Exhibit "A" attached to this Resolution, provides the terms of the agreement and cooperation between the City of Sandusky and the Director of Transportation regarding the completion of the project; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to return the consent legislation to the Ohio Department of Transportation by the requested date of February 26, 2018; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The consent legislation submitted by the Director of the Ohio Department of Transportation, a copy of which is attached to this Resolution and marked Exhibit "A", for the Guardrail Upgrades on U.S. Route 6 and U.S. Route 250 Overpass Project (D03 GR FY2018 NHS), PID No. 106418, consenting to the Director of Transportation to complete the project, is adopted by this City


Commission and the President of this City Commission is authorized to sign the consent legislation.

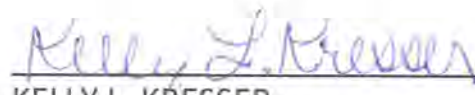
Section 2. The City Manager is hereby authorized and directed to sign the consent legislation and to execute any necessary contracts with the Director of Transportation to complete the Guardrail Upgrades on U.S. Route 6 and U.S. Route 250 Overpass Project (D03 GR FY2018 NHS), PID No. 106418.

Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

  
\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:   
\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: February 12, 2018

**CONSENT LEGISLATION**

Ordinance/Resolution No. \_\_\_\_\_

Project Name PID No. 106418  
D03 GR FY2018 NHS

The following \_\_\_\_\_ enacted by the City of Sandusky of Erie County, Ohio,  
(Ordinance/Resolution)  
hereinafter referred to as the City, in the matter of the stated described project.

**SECTION I - Project Description**

WHEREAS, the State has identified the need for the described project:

*To perform guardrail upgrades on US Route 0006 at SLM 4.41-4.42 just east of Fremont Avenue in the City of Sandusky in Erie County. FWHA mandates upgrading the type "A" guardrail end treatments.*

*To perform guardrail upgrades on US Route 0250 at SLM 00.59-00.61 in the southbound direction just south of Lakeshore Avenue and the railroad overpass in the City of Sandusky in Erie County. FWHA mandates upgrading the type "A" guardrail end treatments.*

*This project is currently scheduled to be constructed in the summer of 2018.*

NOW THEREFORE, be it ordained by the City of Sandusky of Erie County, Ohio.

**SECTION II - Consent Statement**

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The City shall cooperate with the Director of Transportation in the above described project as follows:

- 1) *The City gives consent for the above improvement,*
- 2) *No funds are required from the City except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and the Federal Highway Administration.*

**SECTION IV - Maintenance**

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*
- 2) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*
- 3) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-*





way inviolate for public highway purposes.

PID No. 106418  
Project Name D03 GR FY2018 NHS

**SECTION V – Utilities and Right-of-Way Statement**

If city owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the city will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

**SECTION VI - Authority to Sign**

The \_\_\_\_\_ of said City of Sandusky is hereby empowered on behalf  
(Contractual Agent)

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

Passed: \_\_\_\_\_, 201\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk) (Officer of City - title)

Attested: \_\_\_\_\_  
(Title) (Mayor)

This \_\_\_\_\_ is hereby declared to be an emergency measure to expedite the highway  
(Ordinance/Resolution) project 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 Sandusky of Erie County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Sandusky of Erie County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of \_\_\_\_\_ adopted by  
(Ordinance/Resolution)  
the legislative Authority of the said City of Sandusky on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_,

that the publication of such \_\_\_\_\_ has been made and certified of record according to  
(Ordinance/Resolution)  
law; that no proceedings looking to a referendum upon such \_\_\_\_\_ have been taken;  
(Ordinance/Resolution)  
and that such \_\_\_\_\_ and certificate of publication thereof are of record in  
(Ordinance/Resolution)  
\_\_\_\_\_, Page \_\_\_\_\_.  
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

(SEAL)  
(If Applicable)

\_\_\_\_\_  
Clerk Signature  
City of Sandusky of Erie County, Ohio.

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

For the City of Sandusky of Erie County, Ohio

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

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For the State of Ohio

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