

ORDINANCE NO. 15-19

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF SAFETY AND SERVICE TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVE PROGRAM FUNDS FOR THE SR 163 PEDESTRIAN IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the United States Congress has set aside monies for Transportation Alternative Program Projects through the State of Ohio, Department of Transportation; and

WHEREAS, The City of Port Clinton, hereafter referred to as the Local Public Agency (the "LPA"), in the matters provided for in this Ordinance, can apply for the Transportation Alternative Program monies and be selected for funding by the State of Ohio, Department of Transportation (ODOT); and

WHEREAS, the City has prepared a plan for pedestrian improvements along SR 163 in the City called the SR 163 Pedestrian Improvement Project (the "Project") which is a transportation activity eligible to receive federal funding through ODOT; and

WHEREAS, if the requested funds are granted, the City shall be responsible for the (5%) percent nonfederal share of the construction costs, and also for all other costs associated with the preliminary engineering plans, environmental studies and documents, final design, right-of-way and utilities if necessary; and

WHEREAS, the local cash match must be identified and secured at the time of application submittal, and in-kind contributions are not acceptable as the local match; and

WHEREAS, this Council finds and determines that the City should apply for the Transportation Alternative Program Funds for the Project.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. The Director of Safety and Service is hereby authorized and directed on behalf of the LPA to prepare and execute an application for Transportation Alternative Program funds for the above described Project and to submit the application to the State of Ohio, Department of Transportation within the timeline established for filing the application.

Section 2. The total construction cost of the Project is currently estimated to be \$985,000.00 of which the LPA, if awarded the funds, commits to pay at least (5%) percent (hereinafter known as the local portion) of the actual construction cost and also all costs associated with the preliminary engineering, environmental studies and documents, final design, right of way and utilities activities. The LPA hereby provides that the local portion shall be funded by the LPA

using the Municipal Purposes Funds and the City's portion of State Highway Funds (Maintenance and/or Traffic Signs & markers).

Section 3. Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

Section 4. If the application for the funding is approved the Director of Safety and Service is hereby authorized and directed on behalf of the LPA to enter into a contract, or contracts, with the Director of the Ohio Department of Transportation necessary to complete the above described Project.

Section 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the application authorized by this legislation must be submitted by the deadline established by the Ohio Department of Transportation, being May 17, 2019; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2019

President of Council

Attest: _____
Clerk of Council

Approved _____, 2019

Mayor