

ORDINANCE 22-24

AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY AND SERVICE TO PARTICIPATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE SHORELINE REVETMENT RESTORATION ALONG SR 163/WEST LAKESHORE PER THE TERMS, CONDITIONS, AND REQUIREMENTS AS DEFINED HEREIN AND DECLARING AN EMERGENCY

PID No: 115148

County/Route/Section: OTT SR 163 24.22 PC Shore Revetment

The following is an ORDINANCE enacted by the CITY OF PORT CLINTON of Ottawa County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION 1 - Project Description

WHEREAS, the LPA has determined the need for the described project:

Restore revetment along the north side shoreline of SR 163 (West Lakeshore Drive) in the City of Port Clinton; perform necessary related work.

NOW THEREFORE, be it ordained by the CITY OF PORT CLINTON of Ottawa County, Ohio.

SECTION 11 - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the abovedescribed project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the abovedescribed project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to be responsible for the entire cost of the project, less the amount of ODOT Geologic Site Management (GSM) and Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) funding provided.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project. No such features have been identified to date.

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

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

SECTION IV Authority to Sign

The LPA hereby authorizes the Director of Safety and Services of said CITY OF PORT CLINTON to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Director of Safety and Services is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the CITY OF PORT CLINTON 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.

SECTION V — Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

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 VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 1 16; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain

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the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII - Emergency Measure

This Ordinance is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

President of Council

Attest: _____
Clerk of Council

Approved: _____, 2024

Mayor

**CERTIFICATE OF COPY
STATE OF OHIO**

CITY OF PORT CLINTON of Ottawa County, Ohio

I, _____, as Clerk of the City of Port Clinton of Ottawa County, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said CITY OF PORT CLINTON on the _____ day of _____, 2____.

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

SEAL

(Clerk)

CITY OF PORT CLINTON of Ottawa County, Ohio