

RESOLUTION NO. 2014- 1929

**A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO GIVE CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE CITY OF FREMONT FOR THE RESURFACING OF THE PORTION OF STATE ROUTE 412 WHICH IS WITHIN THE CITY LIMITS, FOR PID NO. 88503 AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Fremont, Ohio desires to give consent for the resurfacing of the portion of State Route 412 which is within the City limits to the Ohio Department of Transportation (hereinafter referred to as ODOT) in PID No. 88503, and

**WHEREAS**, the City of Fremont has determined the project to be in the public interest,

**WHEREAS**, the City of Fremont needs the Safety Service Director to give consent as a prerequisite for ODOT to resurface the portion of State Route 412 within the City limits, at no expense to the City,

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO,**

**SECTION 1.** That the Safety Service Director is hereby authorized to give consent to ODOT for the resurfacing of the portion of State Route 412 which is within the City limits for PID No. 88503.

**SECTION 2.** This program is in the public interest; therefore, Fremont City Council hereby authorizes the Safety Service Director to give consent to the Director of Transportation to complete the resurfacing project.

**SECTION 3.** The State shall assume and bear 100% of all of the cost for the project.

**SECTION 4.** The City of Fremont agrees to pay 100% of the cost of those features which are not included in the contract.

**SECTION 5.** The City of Fremont shall cooperate with the Director of Transportation in facilitating the program.

**SECTION 6.** The City of Fremont agrees that all right-of-way(s) required for the described program will be made available in accordance with current State and Federal regulations.

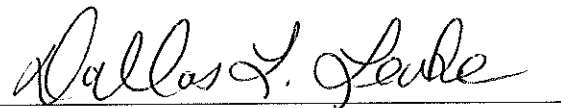
**SECTION 7.** The City of Fremont agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION 8.** Upon completion of the project, and unless otherwise agreed, the City of Fremont shall: 1) provide adequate maintenance for those portions of the project under the jurisdiction of the City of Fremont 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 9.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

**SECTION 10.** The immediate operation of the provisions of this resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to administer the program in a timely manner.

This resolution, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this resolution shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Safety Service Director, and publication and posting as required by law.



Dallas L. Leake  
President of Council


PASSED: 3-6-14

Effective date: 3-6-14

YEAS: 7 NAYS: 0



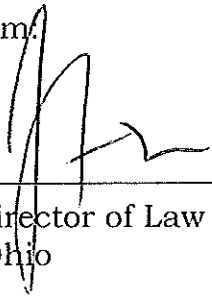
Elaine J. Huntley, Clerk of Council



James H. Ellis III, Mayor

Res418

Approved as to form.

A handwritten signature in black ink, appearing to read 'J. Melle', is written over a horizontal line. The signature is stylized and somewhat cursive.

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James F. Melle, Director of Law  
City of Fremont, Ohio