

ORDINANCE NO. 2016- 3814

**AN ORDINANCE FOR THE SAFETY SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE DIRECTOR OF TRANSPORTATION OF ODOT FOR THE MICRO-SURFACING OF STATE ROUTE 53 FROM NORTH STREET TO THE OHIO TURNPIKE IN THE CITY OF FREMONT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Fremont has identified the need for the micro-surfacing of State Route 53 from North Street to the Ohio Turnpike in the City of Fremont; and

**WHEREAS**, the City of Fremont, being in the public interest, gives consent to the Director of Transportation to complete the above described project; and

**WHEREAS**, the City of Fremont shall cooperate with the Director of Transportation in the above described project as follows:

1. The City of Fremont agrees to assume and contribute the entire cost and expense of the project less the amount of federal-aid funds set aside by the Director of Transportation for the financing of this project from funds allocated by the Federal Highway Administration, United States Department of Transportation.

2. The City of Fremont will assume and bear one hundred percent (100%) of the total cost of any features requested by the City of Fremont which are not necessary for the project as determined by the State and/or the Federal Highway Administration.

3. The City of Fremont consents to having the State acquire all necessary rights of way for the subject project in the name of the City of Fremont.

4. The City of Fremont agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.

5. The State agrees to be the lead agency and to administer the construction phase of the project; and

**WHEREAS**, the City of Fremont agrees that all existing streets, public ways, and right-of ways within the jurisdiction of Fremont which are necessary for the described project shall be made available therefor. The City further agrees that any right-of-ways acquired by Fremont on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations; and

**WHEREAS**, the City agrees that utility accommodations, relocations, and reimbursements will comply with the current provisions of 23 CFR 645 and ODOT Utilities Manual; and

**WHEREAS,** The City, upon completion of the project and unless otherwise agreed, shall 1) provide adequate maintenance for those portions of the project under the jurisdiction of the City in accordance with all applicable state and federal laws, 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 right-of-ways, keeping them free of obstructions; and 4) hold said right-of-way inviolate for public highway purposes.

**BE IT ORDAINED BY THE COUNCIL, CITY OF FREMONT, STATE OF OHIO:**

**SECTION 1.** That this Council hereby authorizes and directs the Safety Service Director to enter into an agreement with the Director of Transportation from ODOT for the micro-surfacing of State Route 53 from North Street to the Ohio Turnpike.

**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance 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 3.** The immediate operation of the provisions of this ordinance 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 immediate need to obtain maximum grant dollars and comply with any and all deadlines.

This ordinance, 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 ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

PASSED: Yes 7-21-16

Effective date: July 21, 2016

YEAS: 6 NAYS: 0

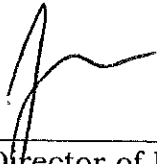
Stephanie L. Martin  
Stephanie L. Martin, City Council Clerk

Daniel R. Sanchez  
Daniel R. Sanchez, Mayor

Jamie Hafford  
President of Council

Angie Ruiz  
Angie Ruiz  
President Pro Temp

Approved as to form:



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