

RESOLUTION NO. R24-83

A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRELIMINARY CONSENT LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM IMPROVEMENTS IN THE CITY OF TROTWOOD BY REPLACING NOISE WALL PANELS ON STATE ROUTE 49, PROJECT ID NO. 114938.

WHEREAS, the State of Ohio Department of Transportation (“ODOT”) has identified the need for a project known as MOT/MIA-NW-FY26 and specifically described as replacing broken noise wall panels on various routes, including State Route 49 at mile-marker 00.25, Project ID No. 114938, in the City of Trotwood, hereafter referred to as “the Project”; and

WHEREAS, this Resolution is enacted by the Trotwood City Council, hereinafter referred to as the Local Public Agency (“LPA”).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: Being in the public interest, the LPA gives consent to the Director of ODOT to complete the Project, MOT/MIA-NW-FY26 and specifically described as replacing broken noise wall panels on various routes, including State Route 49 at mile-marker 00.25, Project ID No. 114938, in the City of Trotwood.

SECTION II: The LPA shall cooperate with the Director of ODOT in the development and construction of the Project and shall enter into an LPA Federal ODOT Let Project Agreement, as well as any other agreements necessary to develop and construct the Project.

- (a) The State shall assume and bear 100% of all of the costs of the improvement.
- (b) The LPA 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.

SECTION III:

The LPA hereby authorizes the City Manager to enter into and execute contracts with ODOT which are necessary to develop plans for and to complete the Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Trotwood 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 IV:

The LPA agrees that all right-of-way required for the 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 V:

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 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI:

This Resolution shall take effect and be in full force from and after the date of its passage.

Passed this 7th day of October, 2024.

TROTWOOD, OHIO 45426
3035 OLIVE ROAD
CITY OF TROTWOOD

ATTEST:

APPROVED:

KARA B. LANDIS
CLERK OF COUNCIL

YVETTE F. PAGE
MAYOR

TYNA R. BROWN
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Resolution No. **R24-83** adopted by the Trotwood City Council at a regular scheduled meeting held on the **7th** day of **October, 2024**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

CLERK OF COUNCIL