



**ORDINANCE 2020-22**  
Adopted October 20, 2020

**AN ORDINANCE ENACTED BY THE CITY OF POWELL, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY ("LPA"), TO ALLOW THE CITY MANAGER TO GIVE CONSENT TO THE STATE DIRECTOR OF TRANSPORTATION TO REPLACE/UPGRADE GUARDRAIL END ASSEMBLIES ON SR-750 WITH THE CITY LIMITS AS PART OF THE PROJECT PID 111195, D06 CITY NHS GUARDRAIL UPGRADE, AND DECLARING AN EMERGENCY.**

**WHEREAS,** the State has identified the need to replace/upgrade guardrail end assemblies on SR-750 within the City limits as part of the project PID111195, D06 City NHS guardrail upgrade.

**WHEREAS,** it is hereby determined that this is an emergency measure, such emergency existing from the need to expedite the highway project(s) and to promote highway safety.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

Section 1: Being in the public interest, the City of Powell, Ohio (hereinafter referred to as "LPA") gives consent to the Director of Transportation to complete the above-described project.

Section 2: The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation ("ODOT") for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

ODOT agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project; and

The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section 3: 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. Right-of-way costs include eligible utility costs. ODOT agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4: 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 resources, 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.

City Council  
Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout

Section 5: The City Manager is hereby empowered on behalf of the City of Powell to enter into contracts with the Director of Transportation necessary to complete the above described project.

Section 6: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 7: That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the need to expedite the highway project(s) and to promote highway safety and the City's desire to commence the planning and implementation of a downtown street system expeditiously; **WHEREFORE**, this Ordinance shall take effect and be in force from and after its passage.

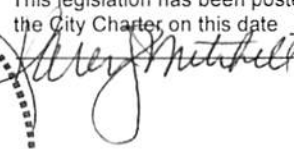
VOTE ON SUSPENSION: Y 7 N 0

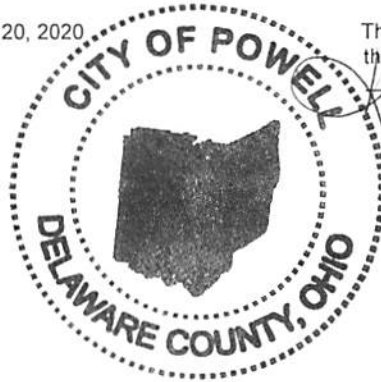
VOTE ON ORDINANCE 2020-22: Y 7 N 0

  
Frank Bertone  
Mayor  
Date 11/4/2020

  
Karen J. Mitchell  
City Clerk  
Date 11/5/2020

EFFECTIVE DATE: October 20, 2020

This legislation has been posted in accordance with the City Charter on this date 11/5/2020  
  
City Clerk



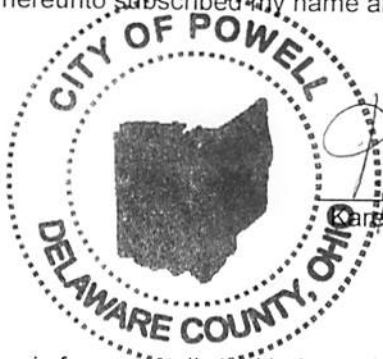
CERTIFICATE OF COPY  
STATE OF OHIO

PID Number 111195

City of Powell, Ohio

I, Karen J. Mitchell, as City Clerk of the City of Powell, 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 on the 20<sup>th</sup> day of October, 2020, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication has been posted in accordance with the City Charter.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 21st day of October, 2020.



*Karen J. Mitchell*  
Karen J. Mitchell, Clerk, City of Powell, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Powell, Ohio

Attest: *Karen J. Mitchell*

*Andy White*  
Andy White, City Manager, City of Powell

Date 11/5/2020

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For the State of Ohio

Attest: \_\_\_\_\_

\_\_\_\_\_  
Director, Ohio Department of Transportation

Date \_\_\_\_\_