



ORDINANCE 2024-01

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PROVIDE CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) DIRECTOR OF TRANSPORTATION TO PERFORM SPOT PAVING ON SR315, AND DECLARING AN EMERGENCY.

WHEREAS, ODOT will be performing a spot paving project along SR 315 during the summer of 2024; and

WHEREAS, The City of Powell has identified the need for the described project PID No. 108070:

Spot Paving along SR 315 through the City of Powell; and

WHEREAS, The project will make necessary repairs and improvements to areas that have been identified by ODOT as needing maintained and is in the best interest of the City.

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

Section 1: Consent Statement: Being in the public interest, the City of Powell gives consent to the Director of Transportation to complete the above described project.

Section 2: Cooperation Statement: The City of Powell shall cooperate with the Director of Transportation in the above described project as follows:

- a. The State shall assume and bear 100% of all of the costs of the improvement.
- b. The City of Powell further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the City of Powell which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 3: Utilities and Right-of-Way Statement: The City of Powell 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 City of Powell also understands that right-of-way costs include eligible utility costs.

Section 4. Maintenance: Upon completion of the described Project, and unless otherwise agreed, the City of Powell shall (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance for 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.

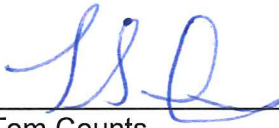
Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of

City Council
Tom Counts, Mayor


Leif Carlson David Lester Christina Drummond Heather Karr Ferzan Ahmed Tyler Herrmann

Council and that all deliberations of Council and any of the decision-making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.


Section 6. Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for further reasons that this Ordinance is required to fully executed and returned to ODOT prior to February 1, 2024 to ensure that the project development proceeds in a timely manner; wherefore, this Ordinance shall take effect and be in force from and after its passage.



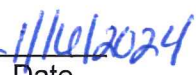
Tom Counts
Mayor



Date

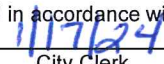
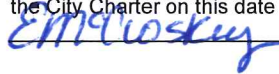


Elaine McCloskey
City Clerk



Date

EFFECTIVE DATE: January 16, 2024

This legislation has been posted in accordance with the City Charter on this date 


City Clerk

CONSENT LEGISLATION

RC 5521.01

Ordinance/Resolution# Ord 2024-01

PID No. 108070

County/Route/Section D06-SP FY24 General

The following is Ord 2024-01 enacted by the City of Powell of Delaware
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Spot Paving along SR 315 through the City of Powell.

NOW THEREFORE, be it ordained by the City of Powell of Delaware County, Ohio.
(LPA)

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

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

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA further agrees to pay One Hundred Percent (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 IV - 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.



OHIO DEPARTMENT OF TRANSPORTATION
Mike DeWine, Governor

Jack Marchbanks, Ph.D., Director

District 6
400 E. William St., Delaware, OH 43015
740-833-8000
transportation.ohio.gov

December 1, 2023

Aaron Stanford
City Engineer
City of Powell
47 Hall St
Powell, OH 43065

RE: Consent Legislation
D06-SP FY24 General, PID 108070

Dear Mr. Stanford:

Enclosed is a sample consent legislation document for an upcoming ODOT construction project which will perform Spot Paving along SR 315 through the City of Powell. Tentatively, the construction work will begin in the Summer of 2024.

If you have questions regarding the scope for this project, please contact Bob Mcneill (Robert.Mcneill@dot.ohio.gov).

After your preparation and approval of the legislation document, please forward it to the Council for their necessary action. After the legislation has been executed, please return an electronic copy to my email address (below).

In order to assure that project development proceeds in a timely manner, the legislation will need to be fully executed and returned to this office prior to February 1, 2024. If you have any questions, please feel free to contact me at 740-833-8269 or via e-mail at daniло.puozzo@dot.ohio.gov.

Respectfully,

Daniло Puozzo
Project Manager
ODOT D6 Planning & Engineering

Attachments*

C: Legislation file*, B. Davidson*, B. Mcneill*, D. Poling*

Excellence in Government

ODOT is an Equal Opportunity Employer and Provider of Services

CERTIFICATE OF COPY
STATE OF OHIO

City of Powell of Delaware County, Ohio,
(LPA)

Elaine McCloskey, as Clerk of the City of Powell
(LPA)

of Delaware County, Ohio, do hereby certify that the forgoing is a true and
correct copy of Ord 2024-01 adopted by the legislative Authority of the said
(Ordinance/Resolution)

City of Powell on the 16 day of January, 20 24
(LPA)

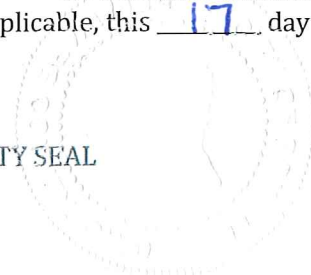
that the publication of such Ord 2024-01 has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such
Ordinance have been taken; and that such Ordinance
(Ordinance/Resolution) (Ordinance/Resolution)

and certificate of publication thereof are of record in Ordinance 2024 Page 01
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this 17 day of January.

CITY SEAL



Elaine McCloskey
Clerk

City of Powell of Delaware County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Powell of Delaware County, Ohio
(LPA)

Attest: _____, Date 1/16/24

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 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 - Authority to Sign

The City Manager of said City of Powell is hereby empowered
(Contractual Agent) (LPA)
on behalf of the City of Powell to enter into contracts with the Director of
(LPA)
Transportation which is necessary to complete the above described project.

Passed: January 16, 2024
(Date)

Attested: Elaine McCloskey _____
(Clerk) (Officer of LPA - title)

Attested: _____
(Title) (President of Council)

This Ord 2024-01 is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.