

RECORD OF ORDINANCES

Ordinance No. 22-13

Passed March 11, 2013

3/5/13-gmk
(Street & Alley)

Ordinance No. 22-13

An ordinance authorizing the Mayor of the City of North Canton of Stark County, Ohio, through the Board of Control, to enter into an agreement by and between the City of North Canton ("City") and the Ohio Department of Transportation ("ODOT"), for the widening of State Route 43 (Market Street) from 50th Street to Applegrove Street, including construction of a sidewalk within the City limits, and declaring the same to be an emergency.

Section 1. PROJECT DESCRIPTION:

Whereas, the State has identified the need for the described project: State Route 43 (Market Street) from 50th Street to Applegrove Street, Improvement Project within the City Limits.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 2. CONSENT STATEMENT:

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

Section 3. COOPERATION STATEMENT:

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

The City agrees to participate in the cost of construction within the City limits at zero total cost.

The City further agrees to pay one hundred percent of the cost of those features (such as sidewalk construction) requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the City. The City shall contribute its share of the cost of these items in accordance with other section herein.

Section 4. UTILITIES AND RIGHT-OF-WAY STATEMENT:

The City agrees make available to ODOT, in accordance with current State and Federal regulations, all existing necessary right-of-way within the City Limits required for the described Project.

The State shall be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations and reimbursements shall comply with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. MAINTENANCE:

Upon completion of the described Project, and unless otherwise agreed, the City 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 described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

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Section 6. AUTHORITY TO SIGN:

The Mayor of said City of North Canton is hereby empowered on behalf of the City of North Canton to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Mayor is also empowered to assign all rights, title and interests of the City of North Canton 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.

The City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to expedite the highway project(s) and to promote highway safety; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH
Passed: 3/11/13


MAYOR

SIGNED: 3-11, 2013

ATTEST:


CLERK OF COUNCIL