

North Canton City Council
Street and Alley Committee

Ordinance No. 84 - 2017

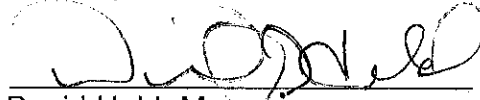
An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, to enter into a consent agreement by and between the City of North Canton ("City") and the Ohio Department of Transportation ("ODOT") for the rehabilitation of the bridge on Easthill Street SE over the West Branch Nimishillen Creek, known as the Easthill Street Bridge Rehabilitation Project, and declaring the same to be an emergency.

WHEREAS, the City desires to enter into a consent agreement with the Ohio Department of Transportation for the purpose of rehabilitating the Easthill Street bridge over the West Branch Nimishillen Creek.

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

- Section 1. That the Mayor of the City of North Canton, upon Board of Control approval, be, and is hereby authorized to enter into a consent agreement by and between the City and ODOT for the rehabilitation of the bridge on Easthill Street SE over the West Branch Nimishillen Creek (SFN 7670907), known as the Project PID No. 99798 - STA-Culverts- FY2018. This would replace Ordinance No. 32-2014.
- Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified cooperation agreement from the applicable appropriation upon receipt of vouchers duly approved by the proper departmental authority.
- 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 immediate preservation of the health, safety and peace of the City of North Canton, Ohio, and further necessary for the timely execution of the consent agreement between the City and ODOT, which will expedite the bridge rehabilitation project scheduled for 2018; wherefore, provided it receives the affirmative vote of six 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. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

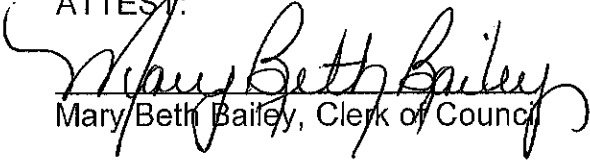
Passed in Council this 25th day of September 2017



David Held, Mayor

Signed: 9/28, 2017

ATTEST:



Mary Beth Bailey, Clerk of Council

CONSENT LEGISLATION

RC 5521.01

Ordinance/Resolution# _____
PID No. 99798
County/Route/Section STA Culverts FY2018

The following is _____ enacted by the City of North Canton of Stark
(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:

Minor work to SFN 7670907 STA-TR-196-00.06 structure over West Branch
of Nimishillen Creek in the City of North Canton.

NOW THEREFORE, be it ordained by the City of North Canton of Stark 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.

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

Passed: _____,
(Date)

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

Attested: _____
(Title) (President of Council)

This _____ 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.

CERTIFICATE OF COPY
STATE OF OHIO

City of North Canton of Stark County, Ohio,
(LPA)

_____, as Clerk of the City of North Canton
(LPA)

of Stark County, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

City of North Canton on the _____ day of _____, 20____
(LPA)

that the publication of such _____ has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such _____

(Ordinance/Resolution) _____ (Ordinance/Resolution)
and certificate of publication thereof are of record in _____ Page _____

(Ordinance/Resolution Record No.)

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

Clerk

City of North Canton of Stark 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 North Canton of Stark County, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

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