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248-3727

RESOLUTION 2018-53

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on November 20, 2018 with the following members present: Mary Makley Wolff, Karl Schultz and Ken Tracy.

A motion was made to adopt the following Resolution:

RESOLUTION REGARDING PARTICIPATION AND OBLIGATIONS RELATED TO MAINTENANCE FOR PORTIONS OF THE ODOT HAPPY HOLLOW OVERPASS PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, The Ohio Department of Transportation has determined the need to replace the superstructure of Bridge CLE-28-0184 that carries traffic on Happy Hollow Road over St. Rt. 28 in Miami Township, Clermont County, Ohio ("Miami Township") (the "Happy Hollow Overpass Project"). As part of the Happy Hollow Overpass Project, Miami Township agrees to be responsible for the costs and maintenance of the powder coating of the fence, as well as the costs and maintenance of the lettering to be placed on that fence.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township ("Board"), Clermont County, Ohio as follows:

SECTION 1: Consent Statement: The Board determines that it is in the public interest to give consent to the Director of Transportation to complete the Happy Hollow Overpass Project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION 2: Cooperation Statement: Miami Township shall cooperate with the Director of Transportation in the development and construction of the Happy Hollow Overpass Project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreement necessary to develop and construct the Happy Hollow Overpass Project as provided for below:

Miami Township agrees to participate in the cost of the Happy Hollow Overpass Project related to 100% of the costs and maintenance of the powder coating of the fence, as well as 100% of the costs and maintenance of the lettering.

Miami Township further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. ODOT shall not approve a change order or extra work contracted until it first gives notice, in writing, and gets approval from Miami Township. Miami Township shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION 3: Authority to Sign: Miami Township hereby authorizes the Township Administrator to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Happy Hollow Overpass Project.

Upon the request of ODOT, the Township Administrator is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of Miami Township 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 4: Utilities and Right-of-Way Statement: Miami Township 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. ODOT will handle utilities accommodation, relocation and reimbursement with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5: Maintenance: Upon completion of the Happy Hollow Overpass Project, and unless otherwise agreed, Miami Township shall (1) provide adequate maintenance for the Happy Hollow Overpass Project as to maintaining the wearing surface of Happy Hollow Road (TR-241) as well as the powder coating of the fencing and the lettering to be placed on that fence, 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 maintenance of those aspects of the Project; (3) maintain the right of way on TR-241, keeping it free from obstructions, and (4) hold said right of way on TR-241 inviolate for public highway purposes.

SECTION 6: This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township and further that the reason for the emergency is to allow the proposed Happy Hollow Road Project to move forward in order to increase traffic safety in the Township.

SECTION 7: That this Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8: This Resolution shall take effect at the earliest period allowed by law.

First Reading: November 20, 2018
Second Reading: Dispensed with
Effective: November 20, 2018

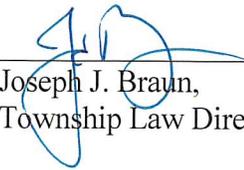
The motion was seconded and the resolution was unanimously adopted.

Resolution 2018-53 was adopted November 20, 2018.

ATTEST:

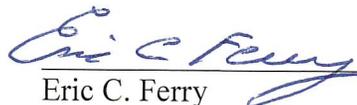

Eric C. Ferry,
Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.


Eric C. Ferry
Fiscal Officer, Miami Township

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, Clermont County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution 2018-53 duly passed by the Board of Trustees of Miami Township, Clermont County, Ohio on the 20th day of November 2018 and do hereby further certify that the amount required to meet the obligation imposed by this Resolution has been lawfully appropriated for such purpose, and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.


Eric C. Ferry, Fiscal Officer