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SERVICE DEPARTMENT
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MIAMI TOWNSHIP

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RESOLUTION 2019-38

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on October 15, 2019 with the following members present: Karl Schultz, Ken Tracy and Mary Makley Wolff

A motion was made to adopt the following Resolution:

AGREEING TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO MEET THE PUBLIC INTEREST DEMAND FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE RIGHT OF WAY ON PART OF STATE ROUTE 126 AND DECLARING AN EMERGENCY

WHEREAS, the public interest demands the construction of a sidewalk within the right of way on part of State Route 126 in the Township of Miami, County of Clermont, State of Ohio, and described as follows: installation of approximately 360 linear feet of a five-foot wide pedestrian sidewalk within the right of way of State Route 126, on the northerly side of State Route 126 and generally east of the intersection of Main Street (a.k.a. Wards Corner Road), and as labeled "360 FT +/- sidewalk" on Attachment "A" hereto.

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

SECTION 1: Under the provision of the Ohio Revised Code, cooperate with the Ohio Department of Transportation ("ODOT"), also hereinafter referred to as the "State", in said improvement in the following ways and extent:

It is recognized by the ODOT that units of government embrace the policy of providing public sidewalks along some thoroughfares in their domain. It is further recognized as the policy of ODOT not to construct sidewalks in its right of way except when the unit of government involved will release the State and its authorized agents from any damages or claims of damages from this project and will accept and assume the responsibility for the maintenance, repair and replacement of said sidewalks at such time as either is required by law; then ODOT will permit the Township Trustees to install said sidewalk.

SECTION 2: Release ODOT and its employees and agents from any damages and claims arising out of the construction and use of this sidewalk, in return for permission of ODOT to construct said sidewalk. Furthermore, the Board of Trustees accepts and assumes the responsibility for the maintenance, repair and replacement of said sidewalk at

such time as either is required by law. Nothing in this Resolution shall prevent the Township Trustees from permitting the adjoining or nearby property owners to construct and maintain said sidewalk in accordance with the requirements of the Ohio Revised Code, and to release and indemnify the Township and ODOT, and their respective employees and agents, from any damages and claims for damages arising out of the construction and use of the sidewalk.

SECTION 3: Authorize and direct the Township Administrator to take such action as may be necessary to carry out this Resolution.

SECTION 4: 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 for the reason that an emergency situation exists whereby decisions regarding these matters must be made timely due to pending construction schedules and demands, and to provide as quickly as possible a means of safe pedestrian access in and around the State Route 126 area.

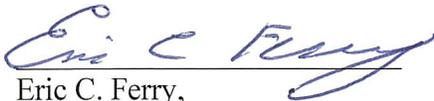
SECTION 5: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

First Reading:	<u>October 15, 2019</u>
Second Reading:	<u>N/A</u>
Effective:	<u>October 15, 2019</u>

The motion was seconded, and the resolution was adopted.

Resolution 2019-38 adopted October 15, 2019.

ATTEST:



Eric C. Ferry,
Fiscal Officer

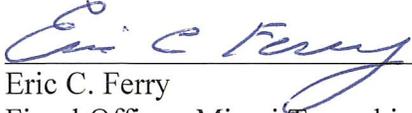
APPROVED AS TO FORM:



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

