

DATE: DECEMBER 16, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 - 2013

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977. The State has identified the need for Herbicidal Spraying in various spots on US 30 that is located within the Corporation Limits of the City. There will be no City dollars expended for this project it will be funded 100% by ODOT, unless the City specifically requests items be completed that are determined by the State and Federal Highway Administration to be unnecessary for the project than those costs would be 100% City.

(SEE EXHIBIT "A" HERETO ATTACHED)

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to sign the Consent Legislation with Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977 which would cover the need of herbicidal spraying in various spots on US 30. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage 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 8<sup>th</sup> DAY OF January 2013<sup>4</sup>

APPROVED: Mary Beth Bailey  
MARY BETH BAILEY, CLERK OF COUNCIL

Tony Townsend  
TONY M. TOWNSEND, PRESIDENT

APPROVED January 10, 2014

Kathy Catazaro-Perry  
KATHY CATAZARO-PERRY, MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 1/8/14

**PRELIMINARY LEGISLATION**

**RC 5521.01**

Ordinance/Resolution# \_\_\_\_\_  
PID No. 96977  
County/Route/Section D04-HS FY2015

The following is \_\_\_\_\_ enacted by the City of Massillon of Stark  
(An Ordinance/a 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:

Herbicidal spraying on US30 within the City limits

NOW THEREFORE, be it ordained by the City of Massillon 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 on behalf of  
(Contractual Agent) (LPA)  
the \_\_\_\_\_ to enter into contracts with the Director of Transportation which is  
(LPA)

necessary to complete the above described project.

Passed: \_\_\_\_\_, 20\_\_\_\_  
(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 Massillon of Stark County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the City of Massillon  
(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 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 \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
of \_\_\_\_\_, 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 \_\_\_\_\_ of \_\_\_\_\_, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_

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For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation