

DATE: APRIL 7, 2014

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 2014

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 Preliminary Legislation with the Ohio Department of Transportation for the STA-OBPP FY 2016; PID 97410 for the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek, 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 Preliminary Legislation with the Ohio Department of Transportation for the STA-OBPP FY 2016; PID 97410 for the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Preliminary Legislation with the Ohio Department of Transportation for the STA-OBPP FY 2016; PID 97410 for the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek. The project funding will be 100% with ODOT unless the city requests items for the project deemed unnecessary by the State and Federal Highway Administration.

(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 Preliminary Legislation with Ohio Department of Transportation so as to proceed with the bridge replacement located on 17<sup>th</sup> Street NE over Sippo Creek. 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 7<sup>th</sup> DAY OF April 2014

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

Tony Townsend  
TONY M. TOWNSEND, PRESIDENT

APPROVED April 14, 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 4/7/14

**PRELIMINARY LEGISLATION**

**Consent**

Ordinance/Resolution# \_\_\_\_\_  
PID No. 97410  
County/Route/Section STA-OBPP FY2016

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:

Replacement of bridge on 17<sup>th</sup> Street NE over Sippo Creek (SFN 7666187)

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 LPA shall be responsible for all financial resources necessary for those items outside the scope of the project, as stated above.

**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.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

## 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

I, \_\_\_\_\_ 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)

\_\_\_\_\_ (Contractual Agent of LPA - title)

Attested: \_\_\_\_\_  
(Title) \_\_\_\_\_  
(President of Council)

This \_\_\_\_\_ is hereby declared to be an emergency measure to expedite  
(Ordinance/Resolution)

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) \_\_\_\_\_ Page \_\_\_\_\_  
and certificate of publication thereof are of record in \_\_\_\_\_  
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if  
applicable, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

City Seal

\_\_\_\_\_  
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 afore going is accepted as a basis for proceeding with the project herein described.  
For the \_\_\_\_\_ of \_\_\_\_\_, Ohio  
(LPA)

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
(Contractual Agent)

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For the State of Ohio

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