

DATE: OCTOBER 5, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 – 2015

BY: STREETS, 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 (ODOT) for the State Route 93 Crack Sealing Project, PID 99433, 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 (ODOT) for the State Route 93 Crack Sealing Project, PID 99433.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to sign the Preliminary Legislation with the Ohio Department of Transportation for the State Route 93 Crack Sealing Project, PID 99433. The State has identified the need to perform pavement maintenance located within the Corporation Limits of the City of Massillon (see attached). There is no cost share by the City for the project is 100% ODOT funded.

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 public health, safety and welfare of the community, and for the reason that it is necessary to sign the Preliminary Legislation with the Ohio Department of Transportation for the State Route 93 Crack Sealing Project, PID 99433. 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 2nd DAY OF November, 2015

ATTEST: Diane Rolland
DIANE ROLLAND, CLERK OF COUNCIL

Tony Townsend
TONY TOWNSEND, PRESIDENT

APPROVED: November 3, 2015

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:

Diane Rolland
Clerk of Council

Date 11/4/15

10/15/15
DATE NO YES

CHOVAN _____
CUNNINGHAM-HEDDERLY _____
DEL RIO-KELLER _____
HALTER _____
LEWIS _____
MANSON _____
SCASSA _____
STARRETT _____
STINSON _____

1ST READING
2ND READING
3RD READING
PUBLIC HEARING

10/19/15
DATE NO YES

CHOVAN _____
CUNNINGHAM-HEDDERLY _____
DEL RIO-KELLER _____
HALTER _____
LEWIS _____
MANSON _____
SCASSA _____
STARRETT _____
STINSON _____

1ST READING
2ND READING
3RD READING
PUBLIC HEARING

11/2/15
DATE NO YES

CHOVAN _____ ✓
CUNNINGHAM-HEDDERLY _____ ✓
DEL RIO-KELLER *absent* ✓
HALTER _____ ✓
LEWIS _____ ✓
MANSON _____ ✓
SCASSA _____ ✓
STARRETT _____ ✓
STINSON _____ ✓

*Passage
8-yes*

PRELIMINARY LEGISLATION
RC 5521.01

Ordinance/Resolution# _____
PID No. 99433
County/Route/Section STA-93- 12.81-14.25

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:

Crack sealing of STA-93 - 12.81 to 14.25.

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 City of _____ 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: _____
(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)

_____, 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 of Massillon 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) 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 _____

CITY SEAL

Clerk

City of Massillon of Stark, 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 Massillon of Stark, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

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

