

DATE: OCTOBER 5, 2015

CLERK: DIANE ROLLAND

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 151 – 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 172 Resurfacing Project, PID 101268, 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 172 Resurfacing Project, PID 101268.

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 172 Resurfacing, PID 101268. The State has identified the need to resurface State Route 172 located within the Corporation Limits of the City of Massillon (see attached). There is a 20% cost share by the City for the project.

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 172 Resurfacing Project, PID 101268. 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 2<sup>nd</sup> 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

10/5/15

DATE NO YES

CHOVAN \_\_\_\_\_  
CUNNINGHAM-MEDDERLY \_\_\_\_\_  
DEL RIO-KELLER \_\_\_\_\_  
HALTER \_\_\_\_\_  
LEWIS \_\_\_\_\_  
MANSON \_\_\_\_\_  
MCASSA \_\_\_\_\_  
STARRETT \_\_\_\_\_  
STINSON \_\_\_\_\_

1ST READING  
2ND READING  
3RD READING  
PUBLIC HEARING

10/19/15

DATE NO YES

HOVAN \_\_\_\_\_  
INNINGHAM-MEDDERLY \_\_\_\_\_  
EL RIO-KELLER \_\_\_\_\_  
ALTER \_\_\_\_\_  
LEWIS \_\_\_\_\_  
ANSON \_\_\_\_\_  
CASSA \_\_\_\_\_  
STARRETT \_\_\_\_\_  
NINSON \_\_\_\_\_

1ST READING  
2ND READING  
3RD READING  
PUBLIC HEARING

11/2/15

DATE NO YES

CHOVAN \_\_\_\_\_ ✓  
CUNNINGHAM-MEDDERLY \_\_\_\_\_ ✓  
DEL RIO-KELLER Absent  
HALTER \_\_\_\_\_ ✓  
LEWIS \_\_\_\_\_ ✓  
MANSON \_\_\_\_\_ ✓  
MCASSA \_\_\_\_\_ ✓  
STARRETT \_\_\_\_\_ ✓  
STINSON \_\_\_\_\_ ✓

Passage  
8-yes

**PRELIMINARY LEGISLATION**  
**RC 5521.01**

Ordinance/Resolution# \_\_\_\_\_

PID No. 101268

County/Route/Section STA 172/236-3.95/0.00

The following is \_\_\_\_\_ enacted by the City of Massillon 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 STATE has identified the need for the described project:

Resurfacing STA SR 172 from 3.95 to 6.84, STA SR 236 from 0.00 to 0.41, urban paving in the  
City of Massillon.

NOW, THEREFORE, be it ordained by 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 agrees to participate in the cost of construction within the city limits at twenty percent (20%)  
total cost.

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.

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

(Optional-if required) The LPA further agrees to pay One Hundred Percent (100%) of the cost to install  
and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with  
Disabilities Act.

#### SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations and reimbursements shall comply with 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 described 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 City of Massillon to enter into contracts with ODOT pre-qualified consultants  
(LPA)

for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the \_\_\_\_\_ is also empowered to assign  
(Contractual Agent)  
all rights, title, and interests of the City of Massillon to ODOT arising from  
(LPA)

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.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

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, Ohio, do hereby certify that the forgoing is a true and  
correct copy of \_\_\_\_\_ adopted by the legislative Authority of the said City of  
Twinsburg  
(Ordinance/Resolution)

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 \_\_\_\_\_, 2015\_\_

\_\_\_\_\_  
Clerk

(CITY SEAL)

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

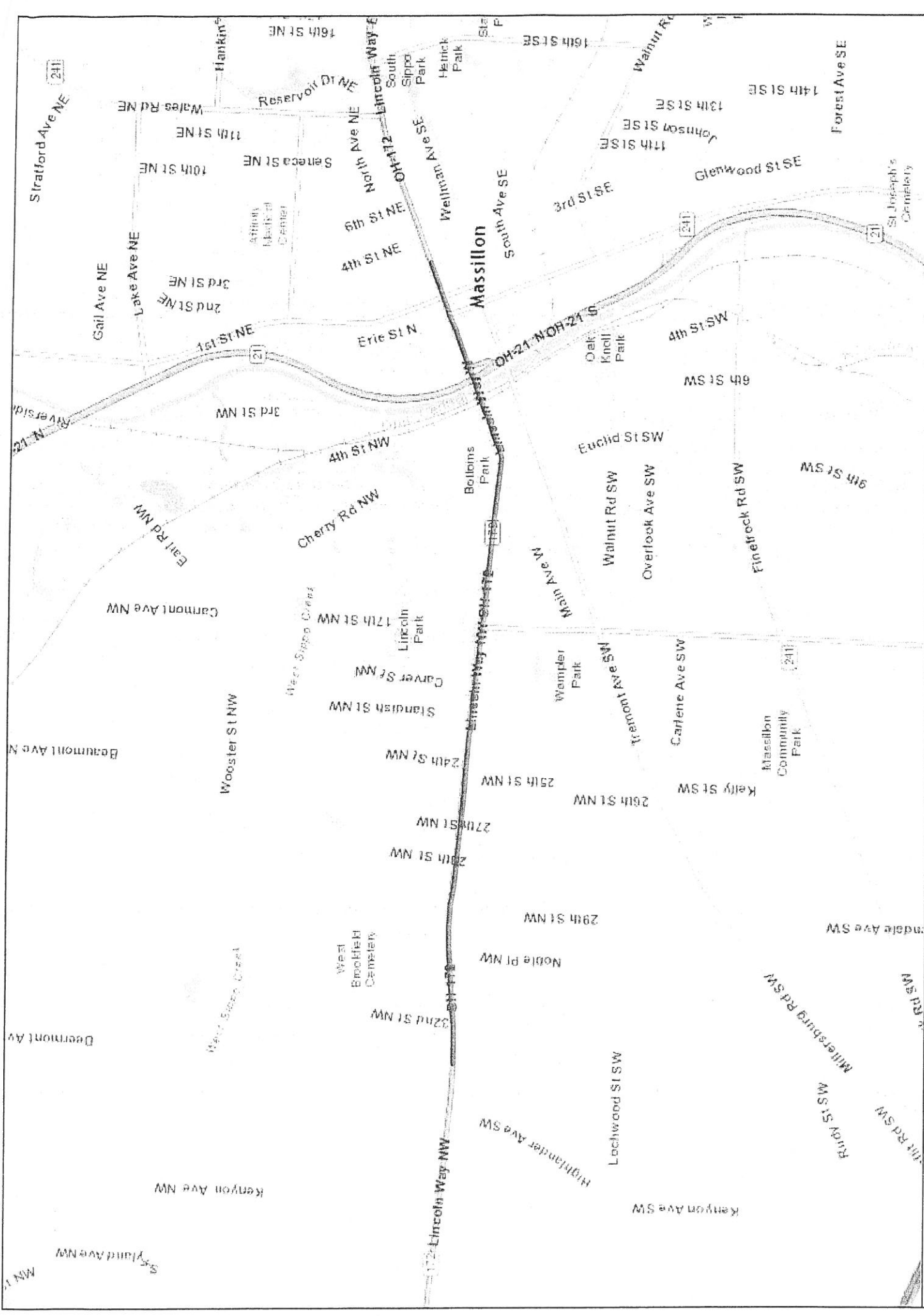
Attest: \_\_\_\_\_, Date \_\_\_\_\_

\*\*\*\*\*

For the State of Ohio

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





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