

DATE: MAY 2, 2016

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 57 – 2016

BY: STREETS, HIGHWAYS, TRAFFIC AND 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 Dept. of Transportation (ODOT), for the STA-30-9.58 fine graded polymer overlay project, PID 84627, for the year ending December 31, 2016, 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 it necessary for the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with ODOT for the STA-30-9.58 fine graded polymer overlay project, PID 84627.

Section 2:

Whereas the State has identified the need for the described project located within the Corporation Limits of the City of Massillon, Ohio, (see attached map). Per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities, prior to making any necessary repairs to State Highways within the corporate limits.

Section 3:

There is no cost share by City for the project as it is 100% ODOT funded. The Project is currently scheduled for 2017.

Section 4:

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 5:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary for the preservation of the public health, safety and welfare of the community. 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 May, 2016

ATTEST: *Diane Rolland*
DIANE ROLLAND, CLERK OF COUNCIL

Claudette Istnick
CLAUDETT O. ISTNICK, PRESIDENT

APPROVED: *May 3, 2016*

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 *5/4/16*

CONSENT LEGISLATION

RC 5521.01

Ordinance/Resolution# _____

PID No. 84627

County/Route/Section STA-30-9.58

The following is _____ enacted by the _____ City of Massillon _____ of _____ Stark
(Ordinance/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:

Fine graded polymer AC overlay on US 30 from 9.58 to 9.77 in the City of Massillon.

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 Massillon is hereby empowered
(Contractual Agent) (LPA)
on behalf of the _____ City of Massillon to enter into contracts with the Director of
(LPA)
Transportation which is 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.

City of Massillon
(LPA) of _____ Stark _____ County, Ohio,
_____, 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)
and certificate of publication thereof are of record in _____ Page _____
(Ordinance/Resolution Record No.)

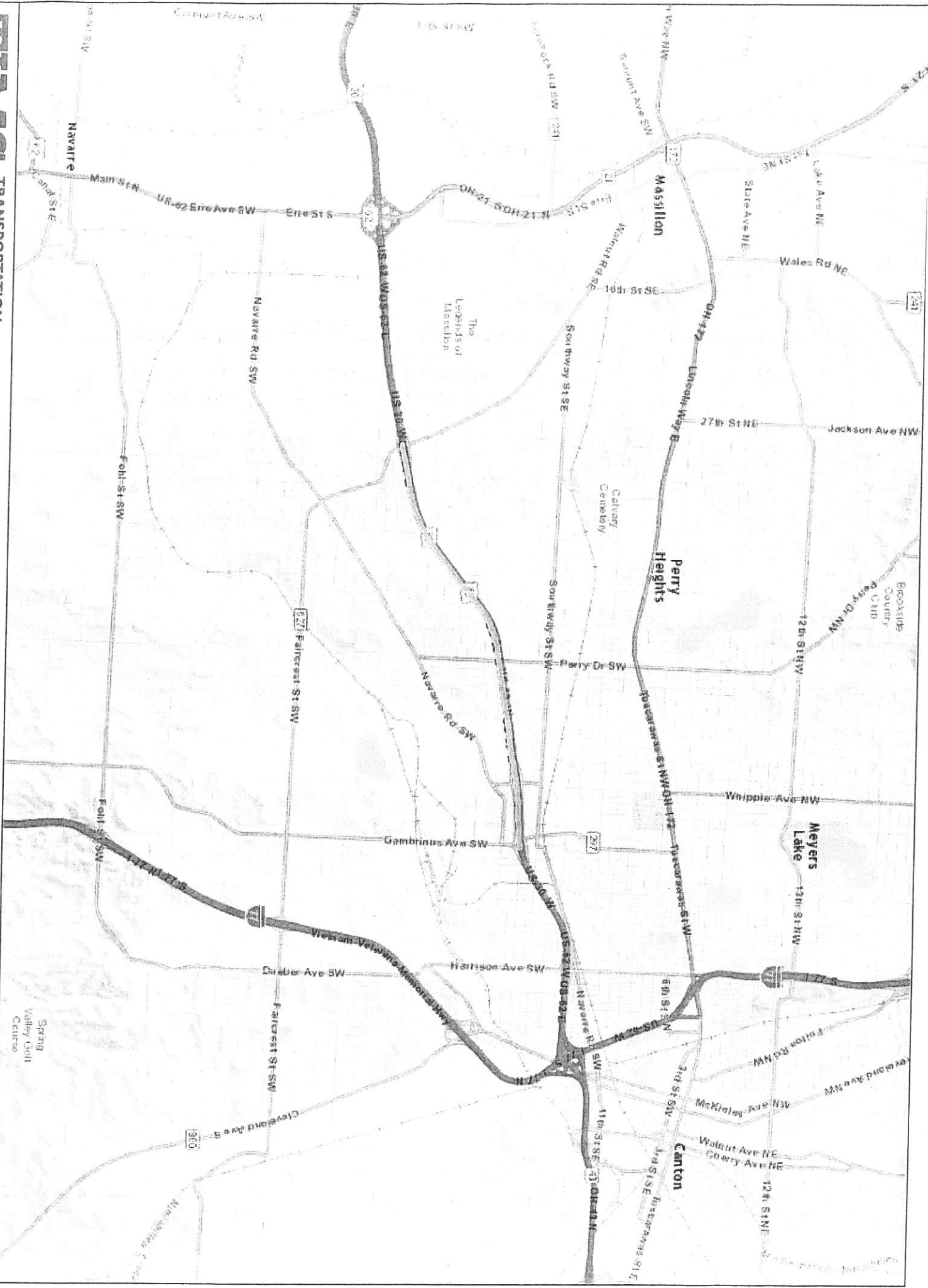
CITY SEAL

City of Massillon of Stark County, Ohio
(LPA)

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 _____

Director, Ohio Department of Transportation



TIMS

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INFORMATION
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