

**SUGARCREEK TOWNSHIP**  
**RESOLUTION NO. 2015.10.05.13**  
IN RE: Preliminary Participatory Legislation

PID No.: 93532

County/Route/Section: GRE Sugarcreek SRTS 12 Bellbrook

WHEREAS, the following is a Resolution enacted by Township of Sugarcreek of Greene County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

**SECTION 1 – Project Description**

WHEREAS, the LPA has determined the need for the described project: Part 1: Construction of 2,500 ft. of shared use path along Upper Bellbrook Road and School Drive. Part 2: Construction of a shared use path along Upper Bellbrook Road from Feedwire to Kables Mill Drive (See PID 96356 for Design and Right of Way funding).

NOW THEREFORE, be it ordained by the Township of Sugarcreek of Greene County, Ohio.

**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 will be responsible for the non-federal share of Preliminary Engineering, Right of Way, and Construction Phases.

The LPA further agrees to pay 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.

**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 includes 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 the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION V – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 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.

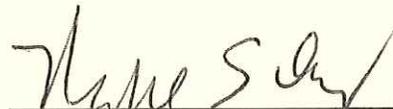
**SECTION VI – Authority to Sign**

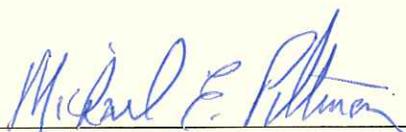
The Township Administrator of said Township of Sugarcreek is hereby empowered on behalf of the Township of Sugarcreek of Greene County to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

Upon request of ODOT, the Township Administrator is also empowered to assign all rights, title, and interests of the Township of Sugarcreek of Greene County to ODOT arising from 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 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 this 5<sup>th</sup> day of October, 2015.

  
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Nadine S. Daugherty, Chairperson

  
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Michael E. Pittman, Vice Chairperson

  
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Scott W. Bryant, Trustee

  
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Theodore L. Hodson, Fiscal Officer

The Resolution is hereby declared to be an emergency measure to expedite the highway project 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.