

1st READING December 6, 2021
2nd READING December 6, 2021
3rd READING December 6, 2021

RESOLUTION NO. 2021-36
PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

Resolution # : 2021-36

PID No.: 108774

CRS : BEL National Rd. Tunnel Rehab
Agreement No: 37057

The following is a Resolution enacted by the City of St. Clairsville of Belmont County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the LPA/STATE has determined the need for the described project:

Rehabilitation of National Road Bikeway Tunnel under US 40. Work is to include tunnel extension (and new headwall), addition and replacement of retaining walls, slope failure correction, development of trailhead, trail resurfacing, and other associated items.

NOW THEREFORE, be it resolved by the City of St. Clairsville of Belmont 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 as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to assume and bear the cost of the improvements which exceed the Federal fund maximums for Preliminary Engineering Right of Way, Construction, and Construction Engineering as allocated by the State, which are outlined in the LPA Federal ODOT-Let Project Agreement (No. 37057).

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.

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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.

SECTION IV – Authority to Sign

The LPA hereby authorizes Director of Public Service/Safety, Jeremy Greenwood, of said City of St. Clairsville to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, DPSS, Jeremy Greenwood, is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of St. Clairsville 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.

SECTION V – 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 accommodations, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – 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 obstruction; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII – Declaration of Emergency

That this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and the safety of the residents of the City of St. Clairsville such that the Council for the City of St. Clairsville desires to participate with the Ohio Department of Transportation in the rehabilitation of the National Road Bikeway Tunnel under US 40.

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**CERTIFICATE OF COPY
STATE OF OHIO**

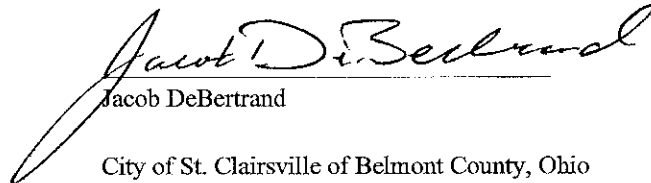
City of St. Clairsville of Belmont County, Ohio

I, Jacob DeBertrand, as Clerk of the City of St. Clairsville
of Belmont County, Ohio, do hereby certify that the foregoing is a true and correct
copy of Resolution No. 2021-36 adopted by the legislative Authority of the said

City of St. Clairsville on the 6th day of December, 2021.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this 6th day of December, 2021.

SEAL


Jacob DeBertrand
City of St. Clairsville of Belmont County, Ohio

(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.")