

PASSED 4-25-18

**ORDINANCE NO. 4-2018**

**AN ORDINANCE COOPERATING WITH THE DIRECTOR OF TRANSPORTATION  
ON THE PROJECT TO PROTECT AND RESTORE THE STORM DAMAGED  
SECTION OF SR 163 WITHIN THE VILLAGE OF MARBLEHEAD, AUTHORIZING  
THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO FACILITATE THE  
PROJECT AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Marblehead, Ottawa County, Ohio (hereinafter "LPA") and the State have identified the need for the described project:

*Emergency project to protect and restore the storm damaged section of SR 63  
within the Village of Marblehead.*

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF  
MARBLEHEAD, OTTAWA COUNTY, OHIO AS FOLLOWS:**

SECTION 1.

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

SECTION 2.

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

- 1) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.
- 2) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases of the project.

### SECTION 3.

The LPA agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described project shall be made available therefor. The LPA further agrees that any right-of-way acquired by said LPA on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

### SECTION 4.

Upon completion of the Project, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Project under the jurisdiction of the LPA 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 those portions of the Project under its jurisdiction; 3) maintain the right-of-way, keeping it free of obstructions; and 4) hold said right-of-way inviolate for public highway purposes.

### SECTION 5.

The Mayor of said Village is hereby empowered on behalf of the Village of Marblehead to enter into contracts with the Director of Transportation necessary to complete the above-described project.

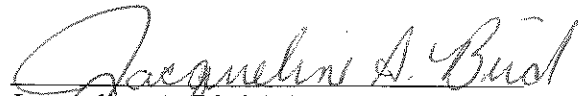
### SECTION 6.

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.


### SECTION 7.

This Ordinance is hereby declared an emergency measure for the immediate preservation of the public peace, health, and safety of the Village of Marblehead, and for the further reason that this ordinance is needed to 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.

Approved: April 25, 2018

  
Jacqueline A. Bird, Mayor

Attest:

  
Rhonda Botti Sowers, Fiscal Officer

Dated: April 25, 2018