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6101 MEIJER DRIVE • MILFORD, OH 45150-2189

RESOLUTION 2021-28

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on July 20, 2021 with the following members present: Mary Makley Wolff, Karl Schultz and Ken Tracy

A motion was made to adopt the following Resolution:

AGREEING TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING PARTICIPATION AND OBLIGATIONS RELATED TO PORTIONS OF THE ODOT STATE ROUTE 28 OVERPASS I-275 BRIDGE REHABILITATION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Trustees of Miami Township, hereinafter referred to as the Legislative/Local Public Agency (LPA), has determined a need for and proposes cooperation with the Director of Transportation in the matter of the described project as follows:

This project consists of rehabilitating the bridge that carries SR 28 over I-275 by overlaying the deck, replacing the barrier and replacing the vandal protection fence, lying within Miami Township.

WHEREAS the LPA agrees to assume and bear one hundred (100%) of the cost difference between the base design and the alternate selected by the LPA for the **Vandal Fence Protection Fence/proprietary formliner** portion of the above-described project.

*The LPA's share of the project is now estimated in the amount of **Zero and - - - - 00/100 Dollars, (\$0.00)**, therefore, the LPA will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.*

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to this legislative authority; and

WHEREAS this Board desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio as follows:

SECTION 1: Consent Statement: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SECTION 2: Cooperation Statement: That the LPA agrees to participate in the cost of the project for the Construction and Construction Engineering of the Vandal Protection Fence/proprietary formliner as state herein:

The LPA shall provide plans of the aesthetic vandal fence and the proprietary formliner in conformance with the Ohio Department of Transportation's (ODOT's) design, specifications, and bidding procedures at no cost to ODOT. ODOT agrees to include the aesthetic vandal fence and proprietary formliner plans as alternate bids to the standard ODOT fence and non-proprietary baseline formliner in the bridge rehabilitation plans for the project.

Once bids are received, ODOT shall provide the costs of the aesthetic fence and proprietary formliner alternates and the ODOT standard fence and non-proprietary baseline formliner to the LPA. The LPA will have three working days to recommend which fence and formliner alternates are to be selected. If the aesthetic vandal fence and/or the proprietary formliner is chosen, the LPA will be responsible for paying the cost of the aesthetic fence/proprietary formliner alternative minus the cost of the ODOT standard fence/formliner.

If the aesthetic fence and/or proprietary formliner alternative is selected, the LPA agrees that change orders and extra work contracts required to fulfill the construction contract for this fence/formliner shall be processed as needed. ODOT shall not approve a change order or extra work contract until it first gives written notice (to include email), to the LPA. The LPA further agrees to pay for the construction engineering of the project relative to the aesthetic vandal fence/proprietary formliner.

SECTION 3: Maintenance: Upon completion of the project, the LPA will be responsible for all maintenance of the aesthetic vandal fence, including but not limited to accident damage, vandalism, compliance with current standards, or deterioration of the fence or its connection to the barrier. ODOT will inspect the bridge on an annual basis as required by the Ohio Revised Code, but the LPA will be responsible for inspection of the vandal fence. If the LPA fails to maintain the fence, ODOT may maintain or remove the fence and replace with the fence a standard ODOT fence, and the LPA will be responsible for the reimbursement of all associated labor and costs. In no circumstances shall ODOT be held liable for the Township failing to maintain the fence. Further, the LPA understands that the future maintenance of the bridge barriers, bridge deck, or bridge itself may require removal of the aesthetic vandal fence, and that the cost to salvage, re-erect, or replace the aesthetic vandal fence is not the responsibility of ODOT.

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 4: The LPA agrees to pay 100% of the cost of any additional features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the project.

SECTION 5: Authority to Sign: Miami Township authorizes the Township Administrator to enter into and execute contracts with the State 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, the Township Administrator is authorized to execute any appropriate documents to affect the assignment of all rights, title, and interests of Miami Township to ODOT arising from any agreement with its consultants in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omission, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 6: 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 7: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

SECTION 8: This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township for the reason that an emergency situation exists whereby decisions regarding these matters must be made timely due to pending construction schedules and demands, and to allow the proposed State Route 28 Overpass I-275 Bridge Rehabilitation Project to move forward in order to increase traffic safety in the Township.

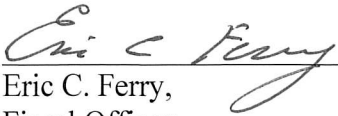
SECTION 9: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

First Reading:	<u>July 20, 2021</u>
Second Reading:	<u>N/A</u>
Effective:	<u>July 20, 2021</u>

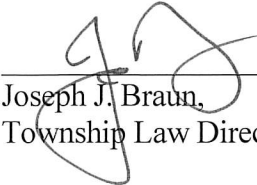
The motion was seconded, and the resolution was adopted.

Resolution 2021-28 adopted July 20, 2021.

ATTEST:



Eric C. Ferry,
Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.


Eric C. Ferry
Fiscal Officer, Miami Township