

RESOLUTION NO. 037-23

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 10th day of April 2023, with the following members present:

Bonnie J. Batchler, President

Claire B. Corcoran, Vice President

David L. Painter, Member

Mr(s). Corcoran moved for the adoption of the following Resolution:

**RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF
TRANSPORTATION TO PROCEED WITH ODOT PROJECT NO.
CLE-32 2.33, PID NO. 103957, GLEN ESTE WITHAMSVILLE
OVERPASS, APPROACHES AND RAMPS IN UNION
TOWNSHIP**

WHEREAS, the Board of County Commissioners, Clermont County, Ohio and the Ohio Department of Transportation have identified the need for the following described project:

PID 103957 - Construction of the Glen Este Withamsville overpass and approaches, Glen Este Withamsville ramps, and local connector distributor road construction on SR32. Design under PID 82370. This project will be part 1/part 2 with PID 103958.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Clermont County, Ohio, with at least two-thirds of its members thereto concurring as follows:

SECTION 1

Being in the public interest, the Board of County Commissionrs (“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 2

That the Board of County Commissioners, Clermont County, Ohio shall cooperate with the Director of Transportation in the development and construction of the above described projects 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 projects.

The LPA agrees to participate in the cost of the project and will be responsible for 100% of the non-State and/or non-Federal share of the construction and construction engineering costs.

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.

The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

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 3

The Board of County Commissioners hereby authorizes County Administrator, Thomas J. Eigel, to enter into and execute contracts with the Director of Transportation, which are necessary to develop plans for and to complete the above-described projects; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the County Administrator is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the Board of County Commissioners 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 4

The Board of County Commissioners agrees that all right of way required for the described projects will be acquired and/or made available in accordance with current State and Federal regulations. The Board of County Commissioners also understands that right-of-way costs include eligible utility costs and agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5

That the Board of County Commissioners of Clermont County, Ohio, agrees that upon completion of the Projects, and unless otherwise agreed, the County shall: (1) provide adequate maintenance for the portion of the Projects on County roads 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 said portions of the Projects; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6

That the Board of County Commissioners 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 the Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr(s). Painter seconded the motion and on roll call, the vote resulted as follows:

Mrs. Batchler	<u>yes</u>
Mrs. Corcoran	<u>yes</u>
Mr. Painter	<u>yes</u>

This Resolution was duly passed on the 10th day of April 2023.

ATTEST:

Gael Jawley
Clerk
Board of County Commissioners

This Resolution approved as to form by the Office of the Clermont County Prosecuting Attorney

By: J. M. [Signature]
Assistant Prosecuting Attorney

Date: 3/31/2023