



Legislation Text

File #: O-310-23, **Version:** 1

TDOT051623CONSENTODOTAWTSTRUCTUREREPLACEMENT
TDOT/Engineering and Construction Management
Timothy Grosjean (x1344)

Authorizing the Mayor to enter into and execute cooperative agreements between the City of Toledo and the State of Ohio, Department of Transportation (ODOT) and giving consent to ODOT to replace a culvert structure underneath the Anthony Wayne Trail - PID 79901; and declaring an emergency.

SUMMARY & BACKGROUND:

The Ohio Department of Transportation (ODOT) has identified the need to replace a culvert structure underneath the Anthony Wayne Trail at Delaware Creek. This Ordinance and cooperative agreements are needed to allow ODOT to conduct this work within the limits of the City of Toledo. There is no City of Toledo financial participation in this project.

The City of Toledo desires the State of Ohio, Director of Transportation, to proceed with the aforesaid highway improvements.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into and execute cooperative agreements between the City of Toledo and the State of Ohio, Department of Transportation to replace a culvert structure underneath the Anthony Wayne Trail - PID 79901.

SECTION 2. That the City of Toledo hereby gives consent to the State of Ohio, Director of Transportation, to complete the above described highway improvements.

SECTION 3. That the City of Toledo shall cooperate with the Director of Transportation in connection with the above described projects as follows:

- 1) The City of Toledo will assume and bear one hundred percent (100%) of the total cost of any features, requested by the City, that are not necessary for the project, as determined by the State and/or the Federal Highway Administration.
- 2) The City of Toledo consents to having the State acquire all necessary rights-of-way for the subject project in the name of the City of Toledo.
- 3) The City of Toledo 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 the construction phase of this project.

SECTION 4. That the City of Toledo agrees that all existing street and public way rights-of-way, within the jurisdiction of the City of Toledo, that are necessary for the described project, shall be made available

therefor. The City of Toledo further agrees that any rights-of-way acquired by the City of Toledo, on behalf of the described projects, shall be acquired and/or made available in accordance with current State and Federal regulations.

The City of Toledo 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. Upon completion of the projects, and unless otherwise agreed, the City of Toledo shall:

- 1) Provide adequate maintenance for those portions of the project under the jurisdiction of the City of Toledo 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 projects under its jurisdiction;
- 3) Maintain the right-of-way, keeping it free from obstructions; and,
- 4) Hold said right-of-way inviolate for public transportation purposes.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this Ordinance must be immediately effective in order to expedite construction and promote highway safety as soon as possible.

Vote on emergency clause: yeas 12, nays 0.

Passed: May 30, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

May 30, 2023
Wade Kapszukiewicz
Mayor