

## **CONSENT LEGISLATION**

Rev. 6/26/00

**Resolution Number ~~R-20-09~~**  
**PID Number 111195**  
**D06 City NHS Guardrail Upgrade**

The following is a Resolution enacted by the Village of Magnetic Springs, Union County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

### **SECTION I - Project Description**

WHEREAS, the STATE has identified the need for the described project:

This project proposes to replace/upgrade guardrail end assemblies on SR 37 within the Village limits, as part of the project PID 111195, D06 City NHS Guardrail Upgrade.

NOW THEREFORE, be it ordained by the Village of Magnetic Springs, 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.

### **SECTION III - Cooperation Statement**

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

The Village hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

ODOT agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project.

The Village agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the Village which are not necessary for the improvement as determined by the State and Federal Highway Administration.

CERTIFICATE OF COPY  
STATE OF OHIO

Village of Magnetic Springs, Union County,, Ohio

I, Casey Tuck, as Clerk of the Village of Magnetic Springs, Ohio, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the legislative Authority of the said Village on the 20th day of August, 2020, that the publication of such Resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Resolution and certificate of publication thereof are of record in Resolution Record Number, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 20th day of August, 2020.



CASEY JEAN TUCK  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 5.2.24

Casey Jean Tuck  
Clerk

Village of Magnetic Springs, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

Attest: Casey Jean Tuck

For the Village of Magnetic Springs, Ohio

Martha K. Cartell, Date 8-28-2020  
Contractual Officer

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For the State of Ohio

Attest: \_\_\_\_\_

\_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

#### SECTION IV - 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. Right-of-way costs include eligible utility costs. ODOT agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

#### SECTION V - 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 resources, 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 VI - Authority to Sign

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

Passed: August 20, 2020.  
(Date)

Attested: Casey J. Tuck  
(Clerk)

Matthew K. Cantrell  
(Mayor)

Attested: Fiscal Officer  
(Title)

Deborah D. [Signature]  
(President of Council)

This Resolution is hereby declared to be an emergency measure 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.