

# Record of Resolution

Resolution No.: 2023-40

Passed: September 11, 2023

**A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF WEST LAFAYETTE HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA) TO EXECUTE ALL CONTRACTS AND DOCUMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE WEST LAFAYETTE SIDEWALKS PROJECT.**

## **SECTION I – Project Description**

**WHEREAS**, the LPA has determined the need for the described project:

*Construction of active transportation infrastructure in Village of West Lafayette.*

**NOW THEREFORE**, be it resolved by the Village of West Lafayette of Coshocton County, 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 as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

## **SECTION II – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

For a breakout of costs and funding sources by Phase, please refer to Agreement 39589, Attachment 1.

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 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

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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 IV – Utilities and Right-of-Way Statement**

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, 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 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 VI Authority to Sign**

The LPA hereby authorizes, Village Administrator of the Village of West Lafayette is hereby empowered on behalf of the Village of West Lafayette to enter into and execute contracts with the Director of Transportation 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.

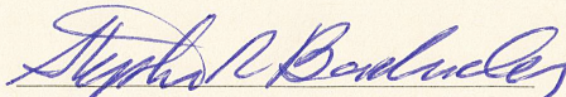
Upon request of ODOT, Village Administrator to execute any appropriate documents to affect the assignment of all rights, title, and interests of the Village of West Lafayette to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

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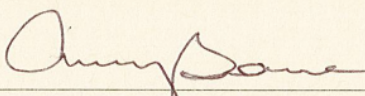
Passed: September 11, 2023

Passed on this 11 day of September, 2023.



Stephen R. Bordenkircher, Mayor

ATTEST:



Amy Bourne, Fiscal Officer

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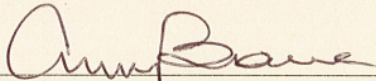
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## CERTIFICATE OF COPY STATE OF OHIO

I, Amy Bourne, as Fiscal Officer of the Village of West Lafayette of Coshocton County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution 2023-40 adopted by the legislative Authority of the said Village of West Lafayette on the 11<sup>th</sup> day of September 2023.

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 Resolution have been taken; and that the foregoing resolution was posted according to law this 11<sup>th</sup> day of September 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 11<sup>th</sup> day of September 2023.



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Amy Bourne, Fiscal Officer