



ORDINANCE 2023-12

OF THE VILLAGE OF ASHVILLE



AN ORDINANCE TO APPROVE THE PRELIMINARY PARTICIPATORY LEGISLATION BASED UPON RC 5521.01 FOR PROJECT PID NO. 117460 COUNTY/ROUTE/SECTION PIC-ASHVILLE-PED IMPROVE, AND DECLARING AN EMERGENCY

WHEREAS, the Ashville Village Council has the authority to authorize the participation in projects that benefit the Village of Ashville; and

WHEREAS, this the following Ordinance (2023-12) is enacted by the Village of Ashville (Local Public Agency) of Pickaway County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

NOW, THEREFORE, be it Ordained by the Council of the Village of Ashville (LPA), of Pickaway County, Ohio, that:

SECTION I - Project Description

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

Provide Rectangular Rapid Flashing Beacons (RRFB) and street lighting along Long St/Ashville Pike (SR 316/CR 28) in the Village of Ashville

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 LPA agrees to cover 100% of the cost of construction that exceeds the current cap amount of \$100,000.

The LPA further agrees to pay One Hundred Percent (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.

Prepared: 10/31/2023
Revised Date:
Review Date:

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 6th day of November 2023, and that I am duly authorized to execute this certificate.

(Original signature of April D. Grube)

Clerk-Fiscal Officer
(TITLE)



SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described 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 V - Authority to Sign

The Village Administrator (Contractual Agent) of said Village of Ashville (LPA) is hereby empowered on behalf of the Village of Ashville to enter into contracts with ODOT pre-qualified consultants (LPA) for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Village Administrator (Contractual Agent) is also empowered to assign all rights, title, and interests of the Village of Ashville (LPA) 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.

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 the 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 VI – Declaring an Emergency.

Village Council declares this Ordinance 2023-12 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.

Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Offered by: Roger L. Clark

Seconded to the Motion Offered by: Matt Scholl

Ordinance 2023-12

Upon roll call on the adoption of the ordinance, the vote was as follow:

Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No
Roger L. Clark Colton Henson Randy S. Loveless R. David Rainey Matt Scholl Steve Welsh
Excused Absences

ADOPTED THIS THE 6TH DAY OF NOVEMBER, 2023
EFFECTIVE THIS THE 6TH DAY OF NOVEMBER, 2023

ATTEST:  DATE: 11/7/2023
April D. Grube, Clerk-Fiscal Officer

APPROVED:  DATE: 11/08/2023
Nelson R. Embrey II

**CERTIFICATE OF COPY
STATE OF OHIO**

Village of Ashville (LPA) of Pickaway County, Ohio, April Grube, as Clerk of the Village of Ashville (LPA) of Pickaway County, Ohio, do hereby certify that the forgoing is a true and correct copy of Ordinance 2023-12 (Ordinance/Resolution) adopted by the legislative Authority of the said Village of Ashville (LPA) on the 6th day of November, 2023 that the publication of such Ordinance 2023-12 (Ordinance/Resolution) has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance 2023-12 (Ordinance/Resolution) have been taken; and that such Ordinance 2023-12 (Ordinance/Resolution) and certificate of publication thereof are of record in November 6th Minutes (Ordinance/Resolution Record No.) Page 2. (Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if



7 day of November, 2023.

April Grube
Clerk-April Grube

Village of Ashville (LPA) of Pickaway County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

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

For the Village of Ashville (LPA) of Pickaway County, Ohio

Attest: April Grube November 7, Date 2023

For the State of Ohio

Attest: _____, Date _____

Director, Ohio Department of Transportation