

**PRELIMINARY LEGISLATION**

(LPA-ODOT-Let Project Agreement)

(CONSENT)

**Resolution # : 2021-53**

**PID No. : 102935**

**County/Route/Section : War/Cli GCS FY2022**

**Agreement No: 37078**

The following is a/an Resolution enacted by the City of South Lebanon of Warren  
(Motion/Ordinance/Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

**SECTION I – Project Description**

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Crack Sealing on various routes in Warren and Clinton Counties in FY2022.

NOW THEREFORE, be it resolved by the City of South Lebanon of Warren County, Ohio.  
(LPA)

**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 III – 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 a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

*The State shall assume and bear 100% of all of the costs of the improvement.*

*The LPA 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.*

**SECTION IV Authority to Sign**

The LPA hereby authorizes the Mayor of said City of South Lebanon to  
(Signature authority) (LPA-or its division, department or agency)  
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, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of South Lebanon 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 V – 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. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION VI – 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 VII-Emergency measure**

(as applicable)

The Resolution No. 2021-53 is hereby declared to be an emergency measure to expedite the highway project 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.

Passed: 11/18, 2021.  
(Date)

Attested: Petrina D. Williams  
Petrina D. Williams, Fiscal Officer/Clerk

James D. Smith, Mayor\_  
(Contractual Agent of LPA – title)  
James D. Smith

11/17/2021

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of South Lebanon of Warren County, Ohio  
(LPA)

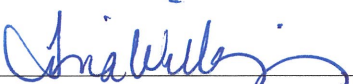
I, Petrina D. Williams, as Clerk of the City of South Lebanon  
(LPA)

of Warren County, Ohio, do hereby certify that the foregoing is a true and correct copy of  
Resolution No. 2021-53 adopted by the legislative Authority of the said  
(Motion/Ordinance/Resolution)

City of South Lebanon on the 18th day of November, 2021.  
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this 18<sup>th</sup> day of November, 2021.

SEAL

  
\_\_\_\_\_  
(Clerk)

City of South Lebanon of Warren County, Ohio  
(LPA)

(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.")