

First Reading: June 7, 2022
Second Reading: dispensed

RESOLUTION 2022- 064

**A RESOLUTION ENTERING INTO AN AGREEMENT WITH ODOT FOR THE
SNIDER ROAD BRIDGE REHABILITATION PROJECT PID NO. 102793
COUNTY/ROUTE/SECTION: HAM IR71-14.40/18.58**

The following is a resolution enacted by The Board of Trustees of Sycamore Township, Hamilton County, Ohio.

WHEREAS, ODOT has determined the need for the Snider Road Rehabilitation Project as described in Section 1 of this resolution; and

WHEREAS, Sycamore Township wishes to authorize the Township Interim Administrator to serve as its agent and enter into a Participatory/Maintenance Agreement with ODOT for the Snider Road Bridge Rehabilitation Project.

NOW THEREFORE BE IT RESOLVED by the Board of Township Trustees of Sycamore Township, Hamilton County, Ohio:

Section 1. Project Description

Rehabilitate bridge HAM-71-1858 (Snider Rd over I-71) by replacing the concrete parapets. Other minor bridge work to be included.

Section 2. Consent Statement

Being in the public interest, Sycamore Township gives consent to the Director of Transportation to complete the above-described project as detailed in this Agreement entered into between the parties, if applicable.

Section 3. Cooperation Statement

Sycamore Township shall cooperate with the Director of Transportation in the above-described project as follows:

Sycamore Township agrees to participate in the cost of the project for the Construction and Construction Engineering of the Vandal Protection Fence (east side looking west) as stated herein:

- Sycamore Township shall provide plans of the aesthetic vandal protection fence in conformance with the Ohio Department of Transportation's (ODOT's) design, specifications, and bidding procedures at no cost to ODOT. ODOT agrees to include the aesthetic vandal

protection fence plans as an alternate bid to the standard ODOT fence in the bridge rehabilitation plans for the PROJECT.

- Once bids are received, ODOT shall provide the costs of the aesthetic vandal protection fence alternate and the ODOT standard fence to Sycamore Township. Sycamore Township will have three working days to recommend which fence/ alternate is to be selected. If the aesthetic vandal protection fence is chosen, Sycamore Township will be responsible for paying the cost of the aesthetic vandal protection fence alternative minus the cost of the ODOT standard fence.

- If the aesthetic vandal protection fence alternative is selected, Sycamore Township agrees that change orders and extra work contracts required to fulfill the construction contract for this fence shall be processed as needed. ODOT shall not approve a change order or extra work contract until it first gives written notice (to include email), to Sycamore Township. Sycamore Township further agrees to pay for the construction engineering of the project relative to the aesthetic vandal fence.

- Upon completion of the project, Sycamore Township will be responsible for all maintenance of the aesthetic vandal protection fence, including but not limited to accident damage, vandalism, compliance with current standards, or deterioration of the fence or its connection to the barrier. ODOT will inspect the bridge on an annual basis as required by the Ohio Revised Code, but Sycamore Township will be responsible for inspection of the vandal protection fence. If Sycamore Township fails to maintain the fence, ODOT may maintain or remove the fence and replace with the fence with a standard ODOT fence, and Sycamore Township will be responsible for reimbursement of all associated labor and costs. In no circumstances shall ODOT be held liable for the township failing to maintain the fence. Further, Sycamore Township understands that the future maintenance of the bridge barriers, bridge deck, or bridge itself may require removal of the aesthetic vandal fence, and that the cost to salvage, re-erect, or replace the aesthetic vandal fence is not the responsibility of ODOT.

- Sycamore Township agrees to pay 100% of the cost of any additional features requested by Sycamore Township which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 4. Authority to Sign

Sycamore Township hereby authorizes the Interim Township Administrator 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, the Interim Township Administrator is also empowered to execute any appropriate document to affect the assignment of all rights, title, and interests of Sycamore Township 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 5. Utilities and Right-of-Way Statement

Sycamore Township 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. Sycamore Township also understands that right-of-way costs include eligible utility costs.

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

Section 6. Maintenance

Upon completion of the Project, and unless otherwise agreed, Sycamore Township 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.

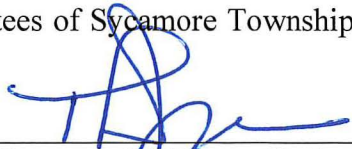
Section 7. Legislative Action

The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with any requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading. This resolution shall take effect on the earliest date allowed by law.

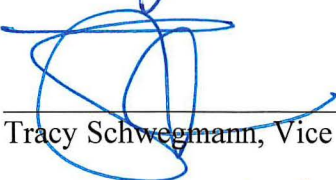
VOTE RECORD:

Mr. James NO Ms. Schwegmann A/E Mr. Weidman A/E


Passed at a meeting of the Board of Township Trustees of Sycamore Township this 7th day of June, 2022.



Thomas J. Weidman, Chairman



Tracy Schwegmann, Vice Chairman

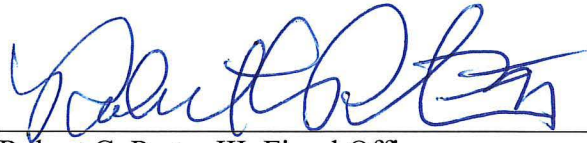


Thomas C. James Jr., Trustee

AUTHENTICATION

This is to certify that this is a resolution which was duly passed and filed with the Sycamore Township Fiscal Officer this 7th day of June, 2022.

ATTEST:



Robert C. Porter III, Fiscal Officer
Sycamore Township

APPROVED AS TO FORM:



Lawrence Barbieri, Interim Law Director