

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2022-1

Passed January 5, 2022

AN ORDINANCE CREATING CONSENT LEGISLATION BETWEEN VILLAGE OF THURSTON, OH AND THE OHIO DEPARTMENT OF TRANSPORTATION AND THE DECLARATION OF AN EMERGENCY.

WHEREAS, the Village of Thurston of Fairfield County, Ohio, hereinafter referred to as the Local Public Agency (LPA), wishes to enter into a consent Agreement with the Ohio Dept of Transportation (ODOT); and

WHEREAS, the ordinance will need to be passed on an emergency basis for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Thurston, Ohio;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THURSTON, FAIRFIELD COUNTY, OHIO, THREE FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION I – Project Description

WHEREAS, the Ohio Department of Transportation (ODOT) has determined the need for the described project: **Resurfacing and related work on a portion of SR 37 in Fairfield County and Licking County**

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 II – Cooperation Statement

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

1. The LPA gives consent for the above improvement, and
2. 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.

SECTION IV – Utilities and Right-of-Way Statement

If village owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the village will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

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,

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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 Mayor Mary Boring of the Village of Thurston and she is hereby empowered on behalf of the Village of Thurston to enter into agreements with the Director of Transportation which are necessary to complete the above described project.

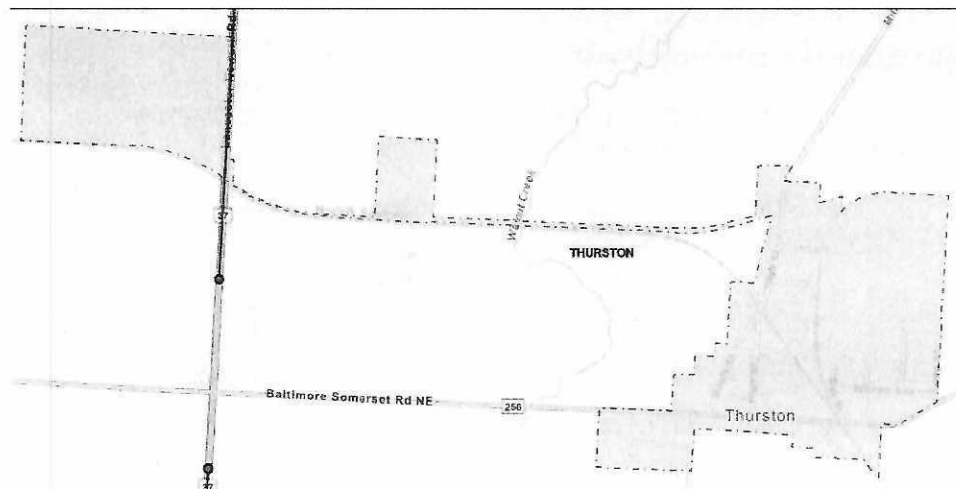
SECTION VII: For the reasons noted in the preamble, this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Thurston, Ohio. This ordinance shall become effective immediately in order to record the proper entries.

Passed in Council this 5 day of January 2022.

ATTEST: Aaron L. Reedy
Aaron L. Reedy, Fiscal Officer

Mary M Boring
Mary Boring, Mayor

The 5.893 is just north of the Norfolk Southern Rail Road Line.



CERTIFICATE OF COPY
STATE OF OHIO

Village of Thurston of Fairfield County, Ohio

I, Aaron Reedy, as Clerk of the Village of Thurston of Fairfield County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-1 adopted by the legislative Authority of the said Village of Thurston on the 5th day of January, 2022.

That the publication of such has been made and certified of record according to Law; that no proceedings looking to a referendum upon such have been taken; and that such and certificate of publication thereof are of record in office, Page X.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 5 day of January 2022.

Aaron Reedy
(Clerk)

(SEAL)

Village of Thurston of Fairfield County, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.
For the Village of Thurston of Fairfield County, Ohio.

Attested: Aaron Reedy Aaron Reedy Date 1-5-22
(Village of Thurston)

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For the State of Ohio
Attested: _____ Date _____
(Director, Ohio Department of Transportation)