

ORDINANCE # O-5-2019

AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF BOLIVAR AND THE CLERK OR FISCAL OFFICER OF THE VILLAGE OF BOLIVAR TO EXECUTE THE ATTACHED CONTRACT BETWEEN THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BOLIVAR, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Village Council of the Village of Bolivar, Ohio as follows:

WHEREAS, the Mayor of the Village of Bolivar and the Clerk or Fiscal Officer of the Village of Bolivar are hereby authorized to execute the attached contract between the State of Ohio, Department of Transportation, hereinafter referred to as "STATE" and the Village of Bolivar, hereinafter referred to as the Legislative Authority/Local Public Agency, or "LPA", in the matter of the stated described project.

WHEREAS, on the 10th of October 2018, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of streetscape project to include curb and sidewalk replacement with bump outs and ADA ramps at various locations, lying within the Village of Bolivar.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The Village agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Twenty Four Thousand Six Hundred Sixty and -----50/100 Dollars, (\$24,660.50)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimates sum of **Twenty Four Thousand Six Hundred Sixty and -----50/100 Dollars, (\$24,660.50)**, is hereby appropriated for the improvement described above and the Mayor is hereby authorized and directed to issue an order on the Fiscal Officer for said sum upon the requisition of the Director of Transportation to pay the costs and expense

of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Ordinance.

This is to certify that we have compared the foregoing copy of Ordinance with the original record thereof, found in the record of the proceedings of the LPA, and which Ordinance was duly passed by the LPA on the 4th day of February, 2019, and that the same is a true and correct copy of the record of said Ordinance and the action of said LOA thereon.

We further certify that said Ordinance and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of February, 2019.

WHEREAS, this Ordinance is hereby declared to be an emergency measure, and its immediate passage is necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village of Bolivar, Ohio, for the reason that is necessary for the Village of Bolivar to execute a contract with the State of Ohio Department of Transportation to ensure the above referenced streetscape improvements are completed as soon as possible. Provided it receives the affirmative vote of two-thirds of the members elected to or appointed to council, it shall take effect and be in force immediately upon its passage and approval.

READ: February 4, 2019

PASSED: February 4, 2019

REBECCA HUBBLE, MAYOR

ATTEST:

MARIA APP, FISCAL OFFICER

APPROVED AS TO FORM:

**Attorney Tara Wright-Timberlake
Legal Counsel, Village of Bolivar**