

ORDINANCE

Year - 2013 Number 44

Authorizing approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to construct a new Bypass beginning at US52, Ramp A SLM 26.59 and Ramp B, SLM 27.27 (SR 823 SLM 0.00), heading north moving in and out of the east corporation limit of the City of Portsmouth and terminating at US23, SLM 11.59 (SR823 SLM 16.78).

Whereas, in Fiscal Year 2015 the Ohio Department of Transportation proposes to construct the Portsmouth Bypass (SR823). This is a measure to expedite the highway project and to promote highway safety. Now, therefore,

BE IT RESOLVED by City Council of the City of Portsmouth, Ohio:

SECTION I. That the approval of the preliminary legislation submitted by the Ohio Department of Transportation (ODOT) proposing to construct a new Bypass beginning at US52, Ramp A SLM 26.59 and Ramp B, SLM 27.27 (SR 823 SLM 0.00), heading north moving in and out of the east corporation limit of the City of Portsmouth and terminating at US23, SLM 11.59 (SR823 SLM 16.78) is hereby authorized.

SECTION II. Consent Statement. Being in the public interest, the City of Portsmouth gives consent to the Director of Transportation to complete the above described project.

SECTION III. Cooperation Statement. The City of Portsmouth shall cooperate with the Director of Transportation in the above described project as follows:

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

The City of Portsmouth agrees to pay 100% of the cost of those features requested by the City of Portsmouth which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV. Utilities and Right-of-Way Statement. The City of Portsmouth agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with State and Federal regulations. The City of Portsmouth also understands that right-of-way costs include eligible utility costs.

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

SECTION V. Maintenance. Upon completion of the project, and unless otherwise agreed, the City of Portsmouth shall not be held accountable for any maintenance of said highway.

SECTION VI. Authority to Sign. That the Mayor of the City of Portsmouth, is hereby empowered on behalf of the City of Portsmouth to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

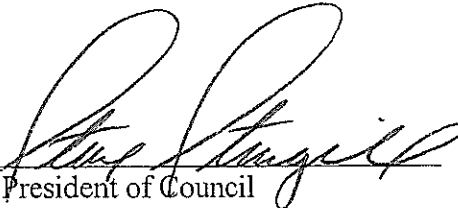
SECTION VII. This ordinance directing administrative action as provided for in Section 12 of the Charter of the City of Portsmouth, Ohio, shall be in force and effect from and after its passage.

Passed this 28th day of October, 2013.

Attest:



City Clerk



President of Council

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution #: 44

PID No.: 19415

County/Route/Section: SCI SR 823 0.00 Ports ByPass

The following is a/an ORDINANCE enacted by the City of Portsmouth of
(Ordinance/Resolution) (Local Public Agency)

Scioto County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

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

It is proposed to construct a new Bypass beginning at US52, Ramp A, SLM 26.59 & Ramp B, SLM 27.27 (SR823 SLM 0.00), heading north moving in and out of the east corporation limit of the City of Portsmouth and terminating at US23, SLM 11.59 (SR823 SLM 16.78).

NOW THEREFORE, be it ordained by the City of Portsmouth of Scioto 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.

SECTION III - Cooperation Statement

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

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 – Utilities and Right-of-Way Statement

The LPA agrees that all existing right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

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 V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall not be held accountable for any maintenance of said highway.

SECTION VI - Authority to Sign

I, MAYOR of said City of Portsmouth is hereby empowered on
(Title of Contractual Agent) (LPA)
behalf of the City of Portsmouth of Scioto County to enter into contracts with the Director of
(LPA)
Transportation which is necessary to complete the above described project.

Passed: October 28, 2013.
(Date)

Attested: Diana Rattiff
Clerk Signature

[Signature]
(Signature of Contractual Agent)

Attested: Diana Rattiff
Clerk Signature

[Signature]
(Signature of President of Council)

This ORDINANCE is hereby declared to be an emergency measure to expedite the
(Ordinance/Resolution)
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.

CERTIFICATE OF COPY
STATE OF OHIO

City of Portsmouth of Scioto County, Ohio
(LPA)

I, Diana Ratliff, as Clerk of the City of Portsmouth
(LPA)
of Scioto County, Ohio, do hereby certify that the foregoing is a true and correct copy
of ORDINANCE adopted by the legislative Authority of the said
(Ordinance/Resolution)
City of Portsmouth of Scioto County on the 28th day of October, 2013,
(LPA)
that the publication of such ORDINANCE has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
ORDINANCE have been taken; and that such ORDINANCE
(Ordinance/Resolution) (Ordinance/Resolution)
and certificate of publication thereof are of record in ORDINANCE, Page 44
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 28th day of October, 2013.

Diana Ratliff
Clerk

(CITY SEAL)

City of Portsmouth of Scioto 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.)

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

For the City of Portsmouth of Scioto County, Ohio.

Attested: Diana Ratliff (LPA) Clerk Signature
[Signature] Signature of Contractual Agent, Date 10/29/13

For the State of Ohio

Attest: Kathleen L. Betts
Jerry Whay New Director, Ohio Department of Transportation, Date 11/15/13