

ORDINANCE NO. O2019-28
**AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY
MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO FOR
THE STATE ROUTE 588 SLIP REPAIR**

WHEREAS, State Route 588 within the City of Gallipolis is in need of repair due to a landslide; and

WHEREAS, the City Manager has recommended in writing the passage of this Ordinance as an emergency measure as it is necessary for the immediate preservation of the public peace, health, safety and property and in order to provide for the usual operations of the municipal departments.

SECTION I - Project Description

WHEREAS, the City of Gallipolis and the State of Ohio have identified the need for the described project:

Landslide repair project at 2 locations on State Route 588 in the City of Gallipolis. On GAL SR 588 11.00 work includes drilled shaft retaining wall and on GAL SR 588 11.10 work includes excavation and rock channel protection. Begin work 0.03 miles East of Chillicothe Road and end work 0.15 miles West of Oakwood Drive. Total length of work in the City of Gallipolis is approximately 0.15 miles.

NOW THEREFORE, be it ordained by the City of Gallipolis, of Gallia County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City of Gallipolis gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

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

The City does hereby propose to assume and contribute the entire cost and expense of the improvement, less the amount of Federal Aid and State Funds set aside by the Director of Transportation for financing this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation. The City agrees to a lump sum payment of \$8,508.80, and further the City agrees to bear one hundred percent (100%) of the cost of the following items:

- 1) Rights-of-Way
- 2) All costs for added construction items generating extra work contracts under Ohio laws, unless performance is approved by the State of Ohio and Federal Highway Administration before work is authorized.

SECTION IV - Utilities and Right-of-Way Statement

The City of Gallipolis 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 City of Gallipolis also understands that right-of-way costs include eligible utility costs.

The City of Gallipolis 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 Gallipolis 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 such 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 VI - Authority to Sign

The City Manager is hereby empowered on behalf of the City of Gallipolis to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION VII - This Ordinance shall be in full force and effect immediately upon passage as an emergency measure.

PASSED: September 3, 2019

ATTEST:

Annette M. Landers
Clerk of the City Commission
Annette M. Landers

Michael C. Fulks
President of the City Commission
Michael C. Fulks

The foregoing Ordinance is hereby approved as to form.

Brynn Saunders Noe
Gallipolis City Solicitor
Brynn Saunders Noe