

RESOLUTION NO. R26-52

A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRELIMINARY PARTICIPATORY LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM IMPROVEMENTS IN THE CITY OF TROTWOOD BY RESURFACING STATE ROUTE 49 (SALEM AVENUE) FROM SHILOH SPRINGS ROAD TO WESTBROOK ROAD, PROJECT ID. NO. 121198.

WHEREAS, the City of Trotwood, hereinafter referred to as the Local Public Agency ("LPA"), has identified the need for a project known by the State of Ohio Department of Transportation ("ODOT") as MOT SR 49 05.22, and specifically described as resurfacing State Route 49 (Salem Avenue) from mile marker 5.220 to 6.380, Project Id. No. 121198, in the City of Trotwood, hereinafter referred to as the "Project."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I:

Being in the public interest, the LPA gives consent to the Director of ODOT to complete the Project, MOT SR 49 05.22, Project ID 121198.

SECTION II:

The LPA shall cooperate with the Director of ODOT in the development and construction of the Project and shall enter into a LPA Federal ODOT Let Project Agreement, as well as any other agreements necessary to develop and construct the Project:

- (a) The total cost of the Project is estimated to be \$1,350,000.00 and the LPA agrees to participate in the cost of the Project by providing up to 20% of construction costs, or \$270,000.00.
- (b) 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.

- (c) The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein
- (d) The LPA further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.
- (e) The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further, the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System

SECTION III:

The LPA authorizes the City Manager to enter into and execute contracts with the Director of ODOT which are necessary to develop plans for and to complete the Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon a request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Trotwood 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 IV:

The LPA agrees that all right-of-way required for the Project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

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:

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, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI:

This Resolution shall take effect and be in full force from and after the date of its passage.

Passed this 8th day of September, 2026.

ATTEST:

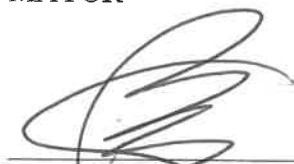
APPROVED:



KARA B. LANDIS
CLERK OF COUNCIL



YVETTE F. PAGE
MAYOR



TYNA R. BROWN
VICE-MAYOR

CITY OF TROTWOOD

3035 OLIVE ROAD

TROTWOOD, OHIO 45426

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Resolution No. R26-52 adopted by the Trotwood City Council at a regular meeting held on the 8th day of September, 2026, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

CLERK OF COUNCIL

