

RESOLUTION G2023-66

RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO A PARTICIPATORY/MAINTENANCE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND THE BOARD OF TOWNSHIP TRUSTEES OF SYMMES TOWNSHIP FOR THE INSTALLATION OF VANDAL FENCE ON THE HOPEWELL ROAD BRIDGE OVER I-275 (HAM-275-3418)

WHEREAS, ODOT has determined the need to replace the bridge decking on the Hopewell Road bridge over I-275 in 2024 and the Board of Trustees desire to upgrade the vandal fencing on both sides of the Bridge; and

WHEREAS, ODOT requires the TOWNSHIP to sign a cooperation agreement to participate in the cost of the project for the Construction and Construction Engineering of the Vandal Protection Fence as stated in this agreement; and

WHEREAS, the TOWNSHIP shall provide plans of the aesthetic vandal fence in conformance with the ODOT design, specifications, and bidding procedures at no cost to ODOT. ODOT agrees to include the vandal fence plans as an alternate bid to the standard ODOT fence in the bridge rehabilitation plans for the PROJECT.

WHEREAS, upon completion of the project, the TOWNSHIP will be responsible for all maintenance of the aesthetic vandal fence, including but not limited to accident damage, vandalism compliance with current standards or deterioration of the fence or its connection to the barrier; and

WHEREAS, the TOWNSHIP agrees to pay 100% of the cost of any additional features requested by the TOWNSHIP which are determined by the State and Federal Highway Administration to be unnecessary for the Project; and

WHEREAS, ODOT has reviewed and approved the documentation/information submitted by the TOWNSHIP; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, has agreed to enter into a Participatory/Maintenance Agreement with the Ohio Department of Transportation and the Board of Township Trustees of Symmes Township for the Installation of Vandal Fence on the Hopewell Road Bridge over I-275 (Ham-275-3418).

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio:

- Section 1.** That the Board of Trustees of Symmes Township of Hamilton County, Ohio hereby authorizes the Township Administrator to enter into a Participatory/Maintenance Agreement with the Ohio Department of Transportation and the Board of Township Trustees of Symmes Township for the installation of vandal fence on the Hopewell Road Bridge over I-275 (Ham-275-3418).
- Section 2.** The purpose of said agreement is to allow Symmes Township to pay for the costs of upgraded vandal fencing with the township logo on both sides of the bridge and said township will then be responsible for maintenance of the fencing from this point forward.
- Section 3.** It is hereby certified that all formal actions of the Board of Trustees of Symmes Township, Hamilton County, Ohio relating to the adoption of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 4.** Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.
- Section 5.** This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED: JUNE 6, 2023 – RESOLUTION G2023-66

Vote Record: Mr. Beck _____ Mr. Bryant _____ Ms. Leis _____

BOARD OF TRUSTEES:

Philip J. Beck, President

Kenneth N. Bryant, Vice-President

Jodie L. Leis, Trustee

ATTEST:

Joseph C. Grossi, Fiscal Officer

APPROVED AS TO FORM:

Jeff Forbes, Law Director

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance/Resolution #: _____

PID No. : 110564

County/Route/Section: HAM IR 275 34.18

The following is a/an _____ enacted by Symmes Township of Hamilton County, Ohio,
(Motion/Ordinance/Resolution) (Local Public Agency)
hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Rehabilitate Bridge HAM-275-3418 (Hopewell Rd over I-275) by replacing the wingwalls, replacing the barriers, and adding a sidewalk.

Aesthetic Fence Concept approved by Office of Structural Engineering for HAM-275-3418 (SFN 3113531) that carries Hopewell Rd over I-275.

NOW THEREFORE, be it ordained by Symmes Township of Hamilton 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 as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

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

The LPA agrees to participate in the cost of the project for the Construction and Construction Engineering of the aesthetic Vandal Protection Fence on the east and west sides of the bridge as stated herein:

- **The LPA shall provide plans of the aesthetic vandal fence in conformance with the Ohio Department of Transportation’s (ODOT’s) design, specifications, and bidding procedures at no cost to ODOT. ODOT agrees to include the aesthetic vandal fence plans as an alternate bid to the standard ODOT fence in the bridge rehabilitation plans for the PROJECT.**
- **Once bids are received, ODOT shall provide the costs of the aesthetic fence alternate and the ODOT standard fence to the LPA. The LPA will have three working days to recommend which fence alternate is to be selected. If the aesthetic vandal fence is chosen, the LPA will be responsible for paying the cost of the aesthetic fence alternative minus the cost of the ODOT standard fence.**
PID No. : 110564
- **If the aesthetic fence alternative is selected, the LPA agrees that change orders and extra work contracts required to fulfill the construction contract for this fence shall be processed as needed. ODOT shall not approve a change order or extra work contract until it first gives written notice (to**

include email), to the LPA. The LPA further agrees to pay for the construction engineering of the project relative to the aesthetic vandal fence.

- Upon completion of the project, the LPA will be responsible for all maintenance of the aesthetic vandal fence, including but not limited to accident damage, vandalism, compliance with current standards, or deterioration of the fence or its connection to the barrier. ODOT will inspect the bridge on an annual basis as required by the Ohio Revised Code, but the LPA will be responsible for inspection of the vandal protection fence. If the LPA fails to maintain the fence, ODOT may maintain or remove the fence and replace with the fence with a standard ODOT fence, and the LPA will be responsible for reimbursement of all associated labor and costs. In no circumstances shall ODOT be held liable for the township failing to maintain the fence. Further, the LPA understands that the future maintenance of the bridge barriers, bridge deck, or bridge itself may require removal of the aesthetic vandal fence, and that the cost to salvage, re-erect, or replace the aesthetic vandal fence is not the responsibility of ODOT.
- The LPA agrees to pay 100% of the cost of any additional features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV Authority to Sign

The LPA hereby authorizes _____ of said Symmes Township to enter into and execute
(Signature authority) (LPA-or its division, department or agency)
contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the _____ is also empowered to execute any appropriate documents to
(Signature authority)
affect the assignment of all rights, title, and interests of Symmes Township to ODOT arising from any
(LPA)
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 V – Utilities and Right-of-Way Statement

The LPA 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 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.

PID No. : 110564

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

SECTION VII-Emergency measure
(as applicable)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Motion/Ordinance/Resolution)
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.

Passed: _____, 2_____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

**CERTIFICATE OF COPY
STATE OF OHIO**

Symmes Township of Hamilton County, Ohio
(LPA)

I, _____, as Clerk of Symmes Township of Hamilton County, Ohio,
(LPA)
do hereby certify that the foregoing is a true and correct copy of _____
(Motion/Ordinance/Resolution)
adopted by the legislative Authority of said Symmes Township of Hamilton County on the _____ day of
(LPA)
_____, 2_____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2_____.

SEAL

(Clerk)

Symmes Township of Hamilton 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.)