

City of Cincinnati

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An Ordinance No. _____ - 2021

AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the resurfacing of certain rights-of-way that include the portion of Interstate 75 located between the Brent Spence Bridge and the Western Hills Viaduct and the Sixth Street Expressway Ramps to Interstate 75 in the City of Cincinnati.

WHEREAS, the Ohio Department of Transportation (“ODOT”) has identified the need to resurface portions of certain rights-of-way that include the portion of Interstate 75 (“I-75”) located between the Brent Spence Bridge and the Western Hills Viaduct and the Sixth Street Expressway Ramps to I-75 (PID No. 94238) (the “Project”); and

WHEREAS, the City is the public entity bearing the responsibility to maintain the Sixth Street Expressway Ramps to I-75; however, ODOT has agreed to resurface the Sixth Street Expressway Ramps in connection with the Project; and

WHEREAS, ODOT will be the public agency leading and managing the Project, and the City will serve as the Local Public Agency (“LPA”); and

WHEREAS, the role of the City as LPA and its obligations related thereto must be authorized and defined by ordinance; and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide 100% of the eligible cost of the Project, with the City responsible for only the costs for future maintenance of the Sixth Street Expressway Ramps; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations and that the City give its consent to the completion of the Project; and

WHEREAS, the City’s Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission’s review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right of way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation (“ODOT”), on behalf of the State of Ohio, to facilitate the implementation of the resurfacing of certain rights-of-way that include the portion of Interstate 75 (“I-75”) located between the Brent Spence Bridge and the Western Hills Viaduct (designated by ODOT as Ham-75-0.22) and the Sixth Street Expressway Ramps to I-75, (PID No. 94238) (the “Project”), and that the City further finds the Project to be in the public interest.

Section 2. That the State of Ohio will assume and bear 100% of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear 100% of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City-owned rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City’s share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. To the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection with the Project; (3) to the extent required by state and federal law, maintain the right of way and keep it free of obstructions; and (4) hold said right of way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk