

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

May 7, 2020

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OLD BUSINESS - NONE

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

### RESOLUTION NO. R – 05 – 20 – 23

**A RESOLUTION PROVIDING CONSENT TO THE OHIO DEPARTMENT OF  
TRANSPORTATION TO COMPLETE THE PROJECT DESCRIBED AS  
“TREAT CULVERT TYPE BRIDGES USING SPRAY APPLIED STRUCTURAL  
LINER” AND BEARING STRUCTURE FILE NUMBER 5705282-MOT-IR-70-  
07.42 AND PID NO. 108095 IN THE CITY OF CLAYTON**

WHEREAS, the State has determined the need for the described project:

*Treat culvert type bridges using spray applied structural liner, including,  
structure file number 5705282-MOT-IR-70-07.42, in the City of Clayton.*

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

1. **Consent Statement:** Being in the public interest, the City of Clayton, Ohio (“LPA”) gives consent to the Director of Transportation to complete the above described project.
2. **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.

3. **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.

4. **Maintenance:** That, 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.

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

ADOPTED BY COUNCIL ON MAY 7, 2020

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**RESOLUTION NO. R – 05 – 20 – 24**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE AGREEMENT WITH THE CITY OF TROTWOOD TO SHARE COSTS FOR RESURFACING OF WESTBROOK ROAD FROM SALEM AVENUE TO CHERI LYNNE DRIVE AND AT A TOTAL RESURFACING COST TO THE CITY OF CLAYTON NOT TO EXCEED \$107,999.00 PLUS COST OF PROJECT ENGINEERING TO BE PAID BY THE CITY OF CLAYTON IN AN AMOUNT NOT TO EXCEED \$32,896.00**

**WHEREAS**, the Cities of Clayton and Trotwood share jurisdiction over Westbrook Road which comprises a municipal boundary between the two cities; and

**WHEREAS**, the Cities of Clayton and Trotwood applied for and were awarded a Surface Transportation Program (STP) grant from the MVRPC for the mill and fill paving of Westbrook Road from Salem Avenue to Cheri Lynne Drive; and

**WHEREAS**, the STP grant awarded constitutes 63% (\$367,781.00) of the estimated total project cost of \$583,779.00 and Clayton and Trotwood will be responsible for sharing equally the remaining 37% cost (\$215,998.00), which is \$107,999.00 to be paid by Clayton and \$107,999.00 to be paid by Trotwood; and

**WHEREAS**, in addition to payment of the aforementioned \$107,999.00 for resurfacing costs, Clayton will also pay for the engineering of the project in an amount not to exceed \$32,896.00; and

**WHEREAS**, the Cities of Clayton and Trotwood desire to enter into a Cooperative Agreement to provide for said resurfacing work on Westbrook Road from Salem Avenue to Cheri Lynne Drive and to confirm the Cities will split the costs of the Westbrook Road Resurfacing Project on a 50/50 basis with Clayton additionally paying the costs of engineering for said Project.

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

1. That the City Manager is hereby authorized to execute a Cooperative Agreement in substantially similar form as appended hereto as *Exhibit A* with the City of Trotwood for the Westbrook Road Repaving Project in order to accomplish the resurfacing of a mutually agreed to portion of Westbrook Road from Salem Avenue to Cheri Lynne Drive with Clayton paying \$107,999.00 of the cost of resurfacing and Trotwood paying \$107,999.00 of the cost of resurfacing and the remaining cost to be paid via the STP grant referenced herein and awarded by MVRPC.

2. That, in addition to paying \$107,999.00 of the resurfacing costs, Clayton will also pay the engineering costs for the Project in an amount not to exceed \$32,896.00.
3. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.
4. That this Resolution shall be in full force and effect at the earliest date allowed by law.

ADOPTED BY COUNCIL ON MAY 7, 2020

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**RESOLUTION NO. R – 05 – 20 – 25**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS AND NECESSARY DOCUMENTATION WITH THE USDA-NRCS FOR GRANT ASSISTANCE WITH RESPECT TO WATERWAY CLEAN-OUT PROJECTS ASSOCIATED WITH THE MAY 27, 2019 TORNADO AND AT A COST TO THE CITY OF CLAYTON NOT TO EXCEED \$42,100.00**

**WHEREAS**, the City of Clayton was severely impacted by the F3 tornado which hit the Miami Valley area on Monday, May 27, 2019, causing substantial damages and extensive power outages; and

**WHEREAS**, the Cities of Clayton and Trotwood were recently informed of grant approval by the USDA-NRCS for waterway clean-out projects to remove trees and debris caused by the May 27, 2019 tornado; and

**WHEREAS**, Council desires to authorize the City Manager to sign necessary agreements and documentation with the USDA-NRCS to proceed with the aforementioned grant award and waterway clean-up projects.

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

1. That the City Manager is hereby authorized to sign necessary agreements and documentation with the USDA-NRCS to proceed with the aforementioned grant award and waterway clean-up projects and at a cost to the City of Clayton not to exceed \$42,100.00.
2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.
3. That this Resolution shall be in full force and effect at the earliest date allowed by law.

ADOPTED BY COUNCIL ON MAY 7, 2020

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