

## **ORDINANCE NO. 22-19**

Introduced By: Troy Markham

**An Ordinance to allow the Ohio Department of Transportation's (ODOT) contractor to replace, or install fiber optic interconnections and related equipment, between, and on traffic signals within the Local Public Agency (LPA), hereinafter referred to as the City of Bexley.**

**Whereas**, the state has identified the need for the project described in this ordinance; and

**Whereas**, being in the public interest, the City of Bexley gives consent to the State of Ohio Director of Transportation to complete the project described in this ordinance; and

**Whereas**, the City of Bexley shall cooperate with the State of Ohio Director of Transportation in the project described in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

### **Section 1.**

The City of Bexley authorizes the Ohio Department of Transportation to replace antiquated coaxial cable with fiber optic interconnection between traffic signals and to install necessary equipment on existing traffic signals poles within the City of Bexley.

### **Section 2.**

The City of Bexley hereby agrees to cooperate with the State of Ohio Director of Transportation in the planning, design and construction of the identified project and grants consent to the ODOT for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

### **Section 3.**

The work described in Section 1 will be performed, provided ODOT agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project.

### **Section 4.**

Notwithstanding the provisions of section 3, the City of Bexley agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

### **Section 5.**

The City of Bexley 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,

including eligible utility costs provided, however, ODOT agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 6.**

Upon completion of the project, and unless otherwise agreed, the City of Bexley 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 adequate financial resources, 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 7.**

The City of Bexley Auditor and Mayor are hereby authorized on behalf of the City of Bexley to enter into contracts with the Director of Transportation necessary to complete the above described project.

**Section 8.**

That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and shall go into full force and effect upon the approval of the Mayor.

Passed: August 27, 2019

Attest: William Harvey  
William Harvey, Clerk of Council

Lori Ann Feibel  
Lori Ann Feibel, President of Council

Approved: August 27, 2019

Benjamin J. Kessler  
Benjamin J. Kessler, Mayor

First Reading: 8-20-19

Second Reading: 8-27-19

Suspended + adopted - 8-27-19

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