

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 02 – 26 – 17

A RESOLUTION PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE PROJECT DESCRIBED AS “RESURFACE US 40 SLM 06.22 TO 08.22 (DIAMOND MILL ROAD TO HOKE ROAD) IN THE CITY OF CLAYTON” AND BEARING PID NO 120190

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

*Resurface US 40 SLM 06.22 to SLM 08.22 (Diamond Mill Road to Hoke Road)
in the City of Clayton, Ohio.*

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

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

The State shall assume and bear 80% of all of the costs of the improvement.

The LPA agrees to pay 20% of the total cost of the improvement. The estimated cost of the improvement to the LPA is \$180,000.

3. The LPA authorizes Elaine Wittman, City Manager of said City of Clayton to enter into and execute 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.

4. That upon 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 Clayton 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.

5. 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.

6. 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.

7. 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.

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

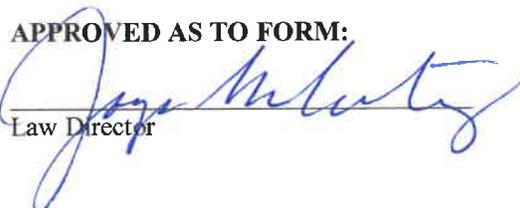
ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

ATTEST:


Barbara Seim, Clerk


Ryan Farmer, Mayor

APPROVED AS TO FORM:


Law Director

CERTIFICATE

The undersigned, Clerk of the City of Clayton, Ohio does hereby certify that the foregoing is a true and correct copy of Resolution No. R-02-26-17 passed by the Council of said City on the 5th day of February 2026, and that the foregoing Resolution No. R-02-26-17 was posted at the City Building, Fire Station 83 and Fire Station 84, on the 6th day of February 2026, to the 20th day of February 2026, both days inclusive.


Barbara Seim, Clerk

2/2/2026

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance/Resolution # : R-02-26-17

PID No. : 120190

County/Route/Section : MOT US 40 06.22

Agreement No: _____

The following is a Resolution enacted by the City of Clayton of Montgomery County, Ohio, 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:

This project will resurface US 40 SLM 06.22 to SLM 08.22 (Diamond Mill Road to Hoke Road) in the City of Clayton, Ohio.

NOW THEREFORE, be it ordained by the City of Clayton of Montgomery 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 development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

Change/add/delete any and all of the following to conform with each particular project:

The LPA agrees to participate in the cost of the project (you fill in how the LPA will participate (ie: construction, PE, RW, extra work, ADA 100% items, etc)

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.

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.

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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.

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.

*** (all of the above regarding the consultants is only needed if the LPA is responsible for the preliminary phase and design plans).*

SECTION IV Authority to Sign

The LPA hereby authorizes Elaine Wittman, City Manager of said City of Clayton to enter into and execute 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 City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Clayton 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 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.

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.

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SECTION VII-Emergency measure

(as applicable)

The Resolution No. R – 02 – 26 - 17 is hereby declared to be an emergency measure to expedite the highway project and 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: February 5, 2026.

Attested:



(Clerk)



(Contractual Agent of LPA – title)

Elaine Wittman
City Manager
City of Clayton, Ohio

2/2/2026

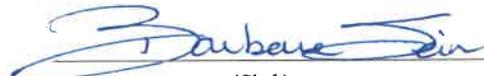
**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Clayton of Montgomery County, Ohio

I, Barbara Seim, as Clerk of the City of Clayton Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution No. R – 02 – 26 – 17 adopted by the legislative Authority of the said City of Clayton on the 5th day of February, 2026

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 5th day of February 2026.

SEAL



(Clerk)

City of Clayton of Montgomery County, Ohio