

# CITY OF CLAYTON, OHIO

## RESOLUTION NO. R – 02 – 26 – 18

### A RESOLUTION PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE PROJECT DESCRIBED AS “BRIDGE REPAIRS ON SR 48” TO INCLUDE STRUCTURE FILE NUMBERS (MOT-IR-5703751) IN THE CITY OF CLAYTON” AND BEARING PID NO 120778

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

*Bridge repairs for structure file number 5703751 on SR 48 in the City of Clayton.*

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 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. 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

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**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-02-26-18 passed by the Council of said City on the 5<sup>th</sup> day of February 2026, and that the foregoing Resolution No. R-02-26-18 was posted at the City Building, Fire Station 83 and Fire Station 84, on the 6<sup>th</sup> day of February 2026, to the 20<sup>th</sup> day of February 2026, both days inclusive.

  
Barbara Seim, Clerk

2/2/2026

**PRELIMINARY LEGISLATION**

(LPA-ODOT-Let Project Agreement)  
(CONSENT)

**Ordinance/Resolution # : R-02-26-18**

**PID No. : 120778**

**County/Route/Section : D07-BH/CR-FY27**

**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 perform bridge repairs for structure file number 5703751 on SR 48 in the City of Clayton.**

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.

*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.*

**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.

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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.

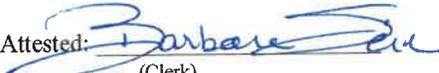
**SECTION VI – Maintenance**

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.

**SECTION VII-Emergency measure**  
(as applicable)

The Resolution R-02-26-18 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**

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 R-02-26-18 adopted by the legislative Authority of the said City of Clayton on the 5<sup>th</sup> day of February, 2026.

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

**SEAL**

A handwritten signature in blue ink that reads "Barbara Seim". The signature is written in a cursive style and is positioned above a horizontal line.

(Clerk)

City of Clayton of Montgomery County, Ohio  
(LPA)