

September 28, 2023

SERVICE COMMITTEE

October 2, 2023

*Committee and Council Meetings can be viewed by accessing YouTube or Facebook
Following Street Committee*

Council Chambers

AGENDA

1. Update from Director Rhodes on Tower owned by the City on Horns Hill
2. Consider **Resolution No. 23-88** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE WITH A DEVELOPER IN THE COST FOR CONSTRUCTION OF OFFSITE DRAINAGE IMPROVEMENTS WHICH WILL PROVIDE BENEFIT TO AREAS BEYOND THE DEVELOPER'S NEED.
3. Consider **Resolution No. 23-89** - Resurfacing with related work along SR 13 in Licking County. Scope of work to include preventative maintenance work on bridges within the resurfacing project limits. Scope of work within city will include resurfacing and replacement of curb ramps as needed.
4. Other items at the discretion of the Chair

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE WITH A DEVELOPER IN THE COST FOR CONSTRUCTION OF OFFSITE DRAINAGE IMPROVEMENTS WHICH WILL PROVIDE BENEFIT TO AREAS BEYOND THE DEVELOPER’S NEED.

WHEREAS, the Service Committee of Council considered and authorized the submittal of this legislation during its October 2, 2023 meeting; and,

WHEREAS, Stone Works Partners, LLC, the developer of additional apartment properties at the west end of Laverne Road, proposes to make storm sewer and drainage improvements within and offsite of its development, in order to resolve long-standing drainage problems from past development in this area; and,

WHEREAS, it is in the best economic interest of the residents of the City of Newark to participate in the cost for the offsite drainage improvements in order to serve areas within and beyond the Laverne Apartments development.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

Section 1: The Director of Public Service is authorized and hereby directed to participate in the construction cost for offsite drainage improvements which will provide benefit to the Laverne Apartment property and additional properties offsite of the development.

Section 2: The Director of Public Service is hereby authorized to execute an agreement between Stone Works Partners, LLC and the City of Newark establishing the terms for the construction of the offsite drainage improvements as approved by the City of Newark.

Section 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2023.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____
Mayor

Form Approved: _____
Law Director

BY:

PRELIMINARY LEGISLATION

Participatory

Rev. 6/26/00

Resolution # : 23-89

PID No. : 95922

County/Route/Section : LIC-SR13-11.73

The following is a Resolution enacted by the City of Newark of Licking County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I – Project Description

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

Resurfacing with related work along SR 13 in Licking County. Scope of work to include preventative maintenance work on bridges within the resurfacing project limits. Scope of work within city will include resurfacing and replacement of curb ramps as needed.

NOW THEREFORE, be it ordained by the City of Newark of Licking 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.

SECTION III – Cooperation Statement

The LPA further agrees to pay 100% of the cost for 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 contract 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.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal Regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – 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 right-of-way, keeping it free of obstructions ,and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The LPA hereby authorizes David Rhodes, Service Director of said City of Newark, Ohio is hereby empowered on behalf of the City of Newark 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, Service Director to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Newark 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 VII – Emergency Measure

If required, is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, 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: _____, 2023.
(Date)

President of Council: _____

Attested: _____
(Clerk of Council)

Date filed with Mayor: _____

Date Approved by Mayor: _____

Mayor: _____

Approved as to form – Director of Law: _____

Contracting Agent – Service Director: _____

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Newark of Licking County, Ohio

I, _____, as Clerk of Council of the City of Newark of Licking County, Ohio,
do hereby certify that the foregoing is a true and correct copy of

_____ adopted by the legislative Authority of the said
(Resolution)
City of Newark on the _____ day of _____, 2_____.

That the publication of such _____ has been made and certified of record according to
(Resolution)
law; that no proceedings looking to a referendum upon such _____ have been taken;
(Resolution)
and that such _____ and certificate of publication thereof are of record in _____,
(Resolution) (Resolution)

Page _____.
(Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2023.

(Clerk)

(CITY SEAL)

City of Newark of Licking County, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Newark of Licking County, Ohio.

Attested: _____ Date _____
(Contractual Agent)



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

City of Newark
Division of Engineering

MEMORANDUM

TO : Service Committee
FROM: Brian Morehead, City Engineer
DATE : 28 September 2023
RE : Committee Agenda–ODOT Legislation, Drainage Improvement

Please allow time on your next agenda to discuss submitting legislation to Council for the following projects:

1. Preliminary Legislation consenting and participating with the Ohio Department of Transportation (ODOT) in carrying out the following project:

LIC-SR13 – 11.73 – PID 95922 project, which is the resurfacing of State Route 13, from Riverview Drive north to the City Corporation limit, including all associated ramps, to be constructed in 2025. The City's cost participation is 20% of the resurfacing within the City, and is currently estimated at \$50,000.

2. A Resolution authorizing the Director of Public Service for the City of Newark, Ohio, to participate with Stone Works Partners, LLC, the developers of Laverne Apartments, in the construction of offsite drainage improvements which will also benefit the adjacent properties, resolving long-standing drainage issues in this area.

The work would take place in conjunction with the developer's work constructing the apartment development.

Please let me know if you have any further questions before the meeting.

cc: David Rhodes, Service Director
City Engineer, File 202218