



**CITY OF SANDUSKY COMMISSIONERS
REGULAR SESSION AGENDA
June 27, 2011 at 5 p.m.
City Hall, 222 Meigs Street**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

R. Brady, J. Farrar, D. Waddington, D. Cole, P. Brown, D. Kaman & J. Hamilton

APPROVAL OF MINUTES

June 13, 2011

June 20, 2011

AUDIENCE PARTICIPATION

Agenda items listed below only (3 minute limit)

COMMUNICATIONS

Motion to accept all communications submitted below

CURRENT BUSINESS

ITEM #1 – Submitted by Hank S. Solowiej, CPA, Finance Director

Budgetary Information: Appropriation amendments are required to update the budget for previous actions of the city. Examples include: the hiring of police reserves, the city manager search, economic development consulting expenses, funding of the Erie County Economic Development Corporation, the operation of the new transient marina, refunding of library bonds the purchase of an ambulance and the purchase of mower to be used for nuisance enforcement.

ORDINANCE NO. _____: It is requested an Ordinance be passed adopting amendment No. 1 to Ordinance No. 11-027 passed by this city commission on March 28, 2011; making general appropriations for the fiscal year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #2 – Submitted by Amanda Meyers, Paralegal

Budgetary Information: The cost to the city will be the initial cost of acquisition, including title fees and closing costs which will be paid out of the land reutilization account utilizing proceeds from previous sales of land bank property, but will be recouped by the city upon the sale of the property through the Mow to Own Program by the required down payment. The city will save approximately an average of five hundred dollars (\$500) in mowing costs per month during the growing season for each vacant and abandoned lot sold through the Mow to Own Program. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing. However, by returning this abandoned non-productive land to tax producing status, the taxing districts will once again be collecting yearly real estate taxes and assessments, which will increase as property values are enhanced and improvements are made.

RESOLUTION NO. _____: It is requested a Resolution be passed authorizing the adoption of the Mow to Own side lot disposition program for the city's land reutilization program.

ITEM #3 – Submitted by Amanda Meyers, Paralegal

Budgetary Information: The cost of this acquisition will be approximately the administrative staff time necessary for acquisition and transfer fees, if any. The city will recoup these costs upon sale. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$55,137.02 whether the city accepts the property or not. However, it is presumed that the city will be maintaining the property in the event of forfeiture to the State of Ohio, in which case the property will be exempt from taxation and the city will not be able to assess the property for the costs of mowing and maintenance. By returning this abandoned non-productive land to tax producing status, the taxing districts will begin collecting approximately \$1,680.79 yearly in real estate taxes, which eventually increase with rehabilitation and development of the property.

RESOLUTION NO. _____: It is requested a Resolution be passed approving and accepting certain real property for acquisition into the land reutilization program; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by Chief James Lang, Police Chief

Budgetary Information: The total cost for the 32 ballistic vests is \$21,433.60 with \$11,626.10 to be paid with funds from the police department's 2011 budget and the remaining \$9,807.50 will be paid with funds from the U.S. Department of Justice, Office of Justice Programs bulletproof vest partnership program. In the past, the FOP Lake Erie Lodge #17 has reimbursed \$200 per vest for reserve officers and it is anticipated that the FOP Lake Erie Lodge #17 will reimburse \$1,800 for the vests for nine newly hired reserve officers.

ORDINANCE NO. _____: It is requested an Ordinance be passed authorizing and directing the city manager to purchase thirty two (32) point blank vision level II ballistic vests from D & G Uniforms of Akron, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the Sandusky Police Department; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #5 – Submitted by Paul E. Ricci, Fire Chief

Budgetary Information: This purchase will not negatively impact the general fund. The funding for this purchase of twenty four (24) ballistic point blank vision 2A vests in the total amount of \$16,326.24 is available from revenue generated by ambulance transport fees. This funding is dedicated for fire department equipment and apparatus replacement, account 431 1330 540 90.

ORDINANCE NO. _____: It is requested an Ordinance be passed authorizing and directing the city manager to purchase twenty four (24) point blank vision 2A ballistic vests from D & G Uniforms of Akron, Ohio, through the State of

Ohio Department of Administrative Services Cooperative Purchasing program for the Sandusky Fire Department; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #6 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The change order No. 10 will increase the contract with Mosser Construction by \$14,147.66. The revised contract amount is \$16,778,281.85. The city's share of the change order is \$14,147.66 which will be paid with sewer funds through the project's OWDA loan. The city and county entered into a sewer services agreement in January of 2007 that provided for the expansion of peak flow capacity at the Waste Water Treatment Plant (WWTP) from 24 MGD to 36 MGD. On November 7, 2007, the Ohio EPA by letter notified the city that it was requiring the peak flow or wet weather capacity to be increased from 36 MGD to 42 MGD. Pursuant to the sewer services agreement, the city is responsible for 61.1% of the construction costs and the county is responsible for 38.9%, other than for the additional 6 MGD flow required by the EPA which is allocated at 90% to the city and 10% to the county. Since the beginning of the project, the construction costs have been shared 61.1% - city, 38.9% - county without considering the 90% - city, 10% - county share for the increase in wet weather capacity. As a result of this, the county will not contribute in this change order to accommodate the change in percentage from the additional 6 MGD flow required by the EPA.

ORDINANCE NO. _____: It is requested an Ordinance be passed authorizing and directing the city manager to approve the tenth change order for work being performed for the Waste Water Treatment Plant expansion project, Phase II, in the amount of \$14,147.66 to be paid to Mosser Construction of Fremont, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #7 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The city will have no financial obligation. The owner will be responsible for any application costs and matching funds required for the grant.

RESOLUTION NO. _____: It is requested a Resolution be passed authorizing and directing the city manager to file a grant application with the State of Ohio to participate in the Clean Ohio Revitalization Fund (CORF); and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #8 – Submitted by Jane E. Cullen, Engineering Technician

Budgetary Information: There is no budgetary consequence with this legislation. However, the project cost is estimated at \$2,000,000 and will be funded with FHWA funds through ODOT and the Erie County Metropolitan Planning Organization (MPO) in the amount of eighty percent (80%) of the eligible costs up to a maximum of \$1,600,000. The Sewer Funds will provide the remaining amount of \$400,000.

RESOLUTION NO. _____: It is requested a Resolution be passed authorizing and directing the city manager to enter into the LPA federal Local-Let Project Agreement with the Ohio Department of Transportation for the Camp Street underpass rehabilitation project; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the city charter.

CITY MANAGER'S REPORT

OLD BUSINESS

NEW BUSINESS

AUDIENCE PARTICIPATION

Open discussion on any item (5 minute limit)

EXECUTIVE SESSION

ADJOURNMENT

[Buckeye CableSystem broadcast on Cable Channel 81:](#)

LIVE: Monday, June 27 at 8:30 p.m.

REPLAYS: Tuesday, June 28 at 5 p.m.
Monday, July 4 at 7 p.m.



**DEPARTMENT OF FINANCE
HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street
Sandusky, Ohio 44870
Phone (419) 627-5888
Fax (419) 627-5892

TO: City Commission
FROM: Hank S. Solowiej, CPA, Finance Director
DATE: June 20, 2011
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.40 states that any appropriation ordinance or measure may be amended or supplemented, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making an original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation.

I am submitting amendment #1 to the 2011 General Appropriations. This amendment appropriates for the General Fund, Parks & Recreation, State and Federal Grants, Indigent Telephone, Capital Projects, Special Assessments, General Bond Retirement, Water, General Trust, Park Endowment and Cemetery Endowment Funds.

In addition, approval of inter-fund transfers/advances through May 2011 is requested.

BUDGETARY INFORMATION:

Appropriation amendments are required to update the budget for previous actions of the City. Examples include:

- Hiring of police reserves;
- City manager search;
- Economic development consulting expenses;
- Funding of Erie County Economic Development Corporation (ECEDC);
- Operation of the new transient marina;
- Refunding of Library bonds;
- Purchase of ambulance;
- Purchase of mower to be used for nuisance enforcement.

ACTION REQUESTED:

Amendments to the appropriations need to be approved in accordance with Section 14 of the City Charter under suspension of the rules. This avoids delays in the awarding of contracts. A motion and evidence in the minutes of approval is needed by the City Commission to authorize inter-fund transfers.

CC: Donald C. Icsman, Interim City Manager/Law Director

2011 INTER FUND TRANSFERS / ADVANCES

DESCRIPTION	FUND/ACCT	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
FROM GENERAL FUND:	110 7900													-
TO:														
A STREET	216	-	-	-	-	-								-
A STATE HIGHWAY	217	-	-	-	-	-								-
B PUBLIC TRANSIT	218	-	-	-	-	-								-
A PARKS & RECREATION	227	2,740.56	5,751.76	-	-	8,980.38								17,472.70
A FIRE PENSION	236	636.31	252.83	122,808.87	-	5,365.42								129,063.43
A POLICE PENSION	237	-	-	56,490.63	-	1,150.55								57,641.18
PAYROLL STABILIZATION FUND	247	-	-	-	-	-								-
A SPECIAL ASSESSMENT IMPROVEMENT	433	-	-	-	-	-								-
A GENERAL BOND RETIREMENT	434	-	-	-	-	-								-
B URBAN RENEWAL BOND RETIREMENT	435	-	188.69	(188.69)	-	-								-
A SPECIAL ASSESSMENT BONDS	535	-	-	-	-	-								-
C CAPITAL PROJECT IMPROVE	431													-
FROM STREET FUND TO:	216 6110													-
B CAPITAL PROJECT IMPROVE	431													-
B SPECIAL ASSESSMENT IMPROVE	433													-
FROM FEDERAL GRANTS TO:	241 4950													-
A GENERAL BOND RETIREMENT	434													-
FROM CAPITAL IMPROVEMENT TO:	430													-
B SECURITY PERSONS PROPERTY	431/433													-
B PUBLIC HEALTH	431/433													-
B LEISURE TIME ACTIVITY	431/433													-
B COMMUNITY ENVIRONMENT	431/433													-
B TRANSPORTATION	431/433													-
B GENERAL GOVERNMENT	431/433													-
FROM CAPITAL PROJECTS:	431													-
B FIRE EQUIPMENT DEBT	434													-
FROM WATER TO:	612 5800													-
B CAP/SPEC ASSESS IMPROVE	431/433													-
FROM SEWER TO:	613 5800													-
B CAP/SPEC ASSESS IMPROVE	431/433													-
TOTAL		3,376.87	6,193.28	179,110.81	-	15,496.35	-	-	-	-	-	-	-	204,177.31

- PURPOSE:
A COVER DEFICITS
B ADVANCE UNTIL PILOT RECEIVED IN MARCH

NOTE: AMOUNTS NOT TO EXCEED

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENT NO. 1 TO ORDINANCE NO. 11-027 PASSED BY THIS CITY COMMISSION ON MARCH 28, 2011, MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2011; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this Ordinance has been prepared to cover deficiencies or needs which exist in the General, Parks & Recreation, State & Federal Grants, Indigent Telephone, Capital Projects, Special Assessment, General Bond Retirement, Water, General Trust, Park Endowment and Cemetery Endowment Funds ; and

WHEREAS, amendments are required to adjust the budget for previous or anticipated actions of the City; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to prevent delays in the use of the funds for an extended period of time and not restrict the operation of City departments; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Finance Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. That Ordinance No. 11-027 passed by this City Commission on the 28th day of March, 2011, be amended as hereinafter set forth:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
POLICE	(25,000)	(10,000)	(35,000)
POLICE RESERVES	25,000	10,000	35,000
ECONOMIC DEV	-	60,000	60,000
HORT SERVICES	-	10,000	10,000
CITY MANAGER	-	21,000	21,000
FLEET MAINTENANCE	-	10,000	10,000
GENERAL FUND	-	101,000	101,000
BOAT RAMP	-	10,000	10,000
SANDUSKY BAY PAVILION	-	5,000	5,000
PAPER DISTRICT MARINA	-	40,000	50,000

	10,000		
PARKS & RECREATION FUND	10,000	55,000	65,000
REVOLVING LOAN – HOME	-	20,000	20,000
REVOLVING LOAN-ECO DEV	-	(20,000)	(20,000)
STATE GRANTS FUND	-	-	-
EPA BROWNFIELDS '09	-	50,000	50,000
HUD CDBG B08MC390034	1,000	-	1,000
HUD CDBG B09MC390034	(1,000)	-	(1,000)
FEDERAL GRANTS FUND	-	50,000	50,000
INDIGENT TELEPHONE FUND	-	10,000	10,000
EMS	-	194,000	194,000
SCHADE/MYLANDER PLAZA	-	10,000	10,000
HAYES AVE UNDERPASS	1,000	-	1,000
HAYES AVE RESURFACING	2,000	-	2,000
FIRST STREET RESURFACING	1,000	-	1,000
PAPER DISTRICT PH1	1,000	-	1,000
MILLS ST	1,000	-	1,000
CAPITAL PROJECTS FUND	6,000	204,000	210,000
REMOVAL UNSAFE BLDGS	-	(10,000)	(10,000)
NUISANCE REMOVAL	-	10,000	10,000
SPECIAL ASSESSMENT FUND	-	-	-
LIBRARY REFUNDING	-	4,100,000	4,100,000
GEN BOND RETIREMENT FUND	-	4,100,000	4,100,000
BUCH/HAYES WATER	1,000	-	1,000
CEDAR PT WATER LOOPING	1,000	-	1,000

ADMIN SUPPORT	(2,000)	-	(2,000)
WATER FUND	-	-	-
FRIENDS OF GREENHOUSE	-	6,000	6,000
GENERAL TRUST FUND	-	6,000	6,000
EPPLE TRUST	-	5,000	5,000
PARK ENDOWMENT	-	5,000	5,000
OAKLAND CEMETERY DEPT	-	5,000	5,000
GARDEN MAUSOLEUM	-	6,500	6,500
CEMETERY ENDOW FUND	-	11,500	11,500
TOTAL ALL FUNDS	16,000	4,542,500	4,558,500

Section 2. The Finance Director is authorized to draw warrants upon the city treasury for funds appropriated in this ordinance upon presentation of properly approved vouchers and when in conformity with the charter and general laws of the state of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in city funds provided said transfers are included in the general appropriations.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is

hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY KRESSER
CLERK OF THE CITY COMMISSION

Passed: June 27, 2011

TO: Don Icsman, Acting City Manager
FROM: Amanda Meyers, Paralegal
DATE: June 15, 2011
RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation requesting approval for implementation of a Mow to Own Side Lot Disposition Program through the City of Sandusky's Land Reutilization Program for the purpose of facilitating reutilization of vacant nonproductive land that is of insufficient size to permit independent development.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The goal of the City of Sandusky's Land Reutilization Program is to return vacant and abandoned tax delinquent property to productive use that benefits the community. The purpose of the City of Sandusky's Mow to Own Side Lot Disposition Program is to stabilize and strengthen property owners' investments in their neighborhoods by transferring unbuildable vacant, abandoned and tax delinquent parcels to adjacent property owners through the Land Reutilization Program. The parcels are of insufficient size to be developed based upon current zoning regulations. Given the limited usefulness of these parcels for development, the Mow to Own Side Lot Disposition Program will encourage the adjacent property owners to purchase these unbuildable parcels for yard expansion and off-street parking at a reasonable cost.

Pursuant to the Ohio Revised Code, the parcels acquired by the Land Reutilization Program must be sold for not less than the fair market value. The Mow to Own Side Lot Disposition Program will encourage the adjacent property owner to purchase these unbuildable parcels by requiring a small down payment that will cover the City's cost of acquisition with the balance to be paid for by in-kind service of mowing and maintaining the lot over a certain number of years. The required number of years will be determined by subtracting the required down payment from the Erie County Auditor's appraisal value and then dividing the balance by the average yearly cost of the City to mow and maintain the parcel. A reverter clause in the deed will require the parcel to be properly maintained and mowed for the required number of years determined by the formula above and, if at any time it is not adequately maintained, the property will automatically revert back to City ownership

in which the City may then offer it to another adjacent property owner or consider it for public use such as a community garden or park.

By implementing the Mow to Own Side Lot Disposition Program, the City aims to produce several positive outcomes by transferring ownership of unbuildable parcels to the adjacent property owners:

1. Stabilize neighborhoods by transferring unbuildable vacant and abandoned properties to adjacent property owners who will maintain them.
2. Evidence of use and the appearance of a well-maintained condition will help to improve the neighborhood character and appearance.
3. Enhance surrounding property values.
4. Reduce the public costs associated with maintaining these properties.
5. Encourage the creation of off-street parking where there currently is none.
6. Return these unbuildable vacant and abandoned properties to tax producing status and increase property tax revenue for Erie County and the City of Sandusky.

The Mow to Own Side Lot Disposition Program has a clear set of policies and procedures for acquiring ownership. Adjacent property owners may only purchase parcels identified as "qualified" parcels through the Mow to Own Side Lot Disposition Program. A parcel is "qualified" if it is:

1. Vacant, unimproved land; and
2. Consists of no more than one lot of insufficient size to permit independent development, which for the purposes of the Mow to Own Program shall be defined as a lot smaller than 40' X 125' or, in the case of an irregular shaped lot, as determined by the Land Bank Committee with the final approval of City Commission.
3. Physically contiguous to adjacent, residential property with a significant common boundary line.

Adjacent property owners may not participate in the program if they:

1. Have a history of property maintenance, nuisance and/or building code violations;
2. Own any property that has an unremediated property maintenance, nuisance and/or building code violation;
3. Are delinquent on any real estate or personal property taxes in Erie County.

If multiple adjacent property owners would like to take ownership, the parcel will be divided between the interested property owners pursuant to the City of Sandusky's Land Reutilization Policy and Procedures.

The Land Reutilization Program aims to stabilize neighborhoods that are in decline with many vacant, abandoned and tax delinquent properties. Providing incentives for adjacent property owners to take ownership of unbuildable vacant and abandoned parcels will strengthen the neighborhood's character and appearance, foster a better sense of community, and enhance property values.

BUDGET IMPACT: The cost to the City will be the initial cost of acquisition, including title fees and closing costs which will be paid out of the Land Reutilization account utilizing proceeds from previous sales of Land Bank property, but will be recouped by the City upon the sale of the property through the Mow to Own Program by the required down payment. The City will save approximately an average of five hundred dollars (\$500) in mowing costs per month during the growing season for each vacant and abandoned lot sold through the Mow to Own Program. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing. However, by returning this abandoned nonproductive land to tax producing status, the taxing districts will once again begin collecting yearly real estate taxes and assessments, which will increase as property values are enhanced and improvements are made.

ACTION REQUESTED: It is requested legislation be adopted approving the implementation of the Mow to Own Side Lot Disposition Program through the City of Sandusky's Land Reutilization Program for the purpose of facilitating reutilization of vacant nonproductive land that is of insufficient size to permit independent development.

Amanda J. Meyers, Paralegal

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ADOPTION OF THE MOW TO OWN SIDE LOT DISPOSITION PROGRAM FOR THE CITY'S LAND REUTILIZATION PROGRAM.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, this proposed Mow to Own Side Lot Disposition Program is intended to stabilize and strengthen property owners' investments in their neighborhoods by transferring unbuildable vacant, abandoned and tax delinquent parcels to adjacent property owners through the Land Reutilization Program; and

WHEREAS, this proposed Mow to Own Side Lot Disposition Program will encourage the adjacent property owner to purchase these unbuildable parcels by requiring a small down payment that will cover the City's cost of acquisition with the balance to be paid for by in-kind service of mowing and maintaining the lot over a certain number of years; and

WHEREAS, the cost of this program will be the initial cost of acquisition, including title fees and closing costs which will be paid from the Land Reutilization account utilizing proceeds from previous sales of Land Bank property and then recouped by the City upon sale of the property through a required down payment; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio and; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves and adopts the Mow to Own Side Lot Disposition Program for the City's Land Reutilization Program, a copy of which is marked Exhibit "A" and attached to this Resolution and specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the purpose of this Resolution.

Section 2. This City Commission authorizes and directs the City Manager to implement the Mow to Own Side Lot Disposition Program through the City's Land Reutilization Program and to take any necessary action to effectuate its adoption and implementation.

Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

PAGE 2 - RESOLUTION NO. _____

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution shall take effect at the earliest time allowed by Law.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed:

TO: Don Icsman, Acting City Manager
FROM: Amanda Meyers, Paralegal
DATE: June 15, 2011
RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to accept four (4) parcels of tax delinquent nonproductive land situated within the City of Sandusky through the City of Sandusky's Land Reutilization Program for the purpose of facilitating reutilization of the nonproductive land. The parcels are vacant lots that will be acquired by forfeiture. The parcels will be placed in the Land Reutilization Inventory until sold.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code to acquire vacant and abandoned tax delinquent property with the future goal of productive reuse of the land. The City's ability to assemble land for reuse and redevelopment is critical to stabilizing and rebuilding Sandusky's neighborhoods and is necessary for neighborhood revitalization.

The goal of the City of Sandusky's Land Reutilization Program is to return vacant and abandoned tax delinquent property to productive use that benefits the community. If a property is not producing tax revenues, less money is collected and available for enhancements back in to the community. Also, because the property is abandoned, it is not maintained and often becomes an illegal dumping ground. The City spends thousands of dollars a year maintaining weeds and nuisance conditions on abandoned properties. By returning the property back to a long-term tax producing status, more revenue is generated and available for community improvements and the City will not have to expend funds to maintain it.

The four (4) parcels requested for acquisition have been deemed to be necessary and/or beneficial to the Land Reutilization Program efforts and approved by the following quorum of the Land Bank Committee:

1. Anna Enderle – Asst. Planner
2. Julie Farrar – City Commissioner
3. Todd Roth – Director of Engineering
4. Scott Miller – Director of General Services
5. James Lang – Chief of Police

The City will assume possession and control of the parcels of nonproductive land which will be deposited in the City's Land Reutilization Inventory. The City will receive title free and clear of all liens and encumbrances except easements and covenants of record running with the land. The County Auditor will remove from

the tax lists and duplicates all taxes, assessments, charges, penalties, and interest that are due and payable on the land at the time of sale to the City. All lands acquired and held in the Land Reutilization Inventory are deemed to be real property used for a public purpose and are exempt from taxation until sold.

Two (2) of the parcels are nonproductive vacant lots that have been forfeited to the State of Ohio and are tax exempt. They will be placed in the Land Reutilization Inventory to be acquired by the adjoining property owners for yard expansion or marketed for future development and will be brought back to tax producing status. Two (2) parcels with a structure will be forfeited to the City upon motion to the Erie County Common Pleas Court and placed in the Land Reutilization Inventory. One parcel located at 1631 Campbell is a three (3) bedroom, single-family, residential structure that a request for proposals will be issued for a rehabilitation plan. One parcel located at 306 W. Monroe Street is a fire damaged structure that has been left open to the elements, and if determined that it is not able to be rehabilitated, will be demolished with CDBG funds. It will then leave an unbuildable lot located in a congested area of the City that is in great need of off street parking and will be offered to the adjoining property owners. All of these parcels will be brought back to City Commission for approval of disposition and sale.

BUDGET IMPACT: The cost of this acquisition will be approximately the administrative staff time necessary for acquisition and transfer fees, if any. The City will recoup these costs upon sale. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$ 55,137.02 whether the City accepts the property or not. However, it is presumed that the City will be maintaining the property in the event of forfeiture to the State of Ohio, in which case the property will be exempt from taxation and the City will not be able to assess the property for the costs of mowing and maintenance. By returning this abandoned nonproductive land to tax producing status, the taxing districts will begin collecting approximately \$ 1,680.79 yearly in real estate taxes, which will eventually increase with rehabilitation and development of the property.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to accept the four (4) parcels of land through the City of Sandusky's Land Reutilization Program. It is further requested that this legislation be passed under Section 14 of the City Charter in order to allow the process of forfeiture through the Erie County Common Pleas Court to continue in a timely manner.

Amanda J. Meyers, Paralegal

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ACCEPTING CERTAIN REAL PROPERTY FOR ACQUISITION INTO THE LAND REUTILIZATION PROGRAM; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, the City is requesting acceptance of four (4) parcels of tax delinquent nonproductive land situated within the City of Sandusky as further described in attached Exhibit "A"; and

WHEREAS, it is necessary to acquire the nonproductive land parcels in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City; and

WHEREAS, upon City Commission approval, two (2) of the parcels that are nonproductive vacant lots that have been forfeited to the State of Ohio and are tax exempt will be placed in the Land Reutilization Inventory to be acquired by the adjoining property owners for yard expansion or marketed for future development; and

WHEREAS, upon City Commission approval, one (1) of the parcels with a single-family residential structure will be forfeited to the City upon motion to the Erie County Common Pleas Court and will be placed in the Land Reutilization Inventory where a request for proposals will be issued for a rehabilitation plan; and

WHEREAS, upon City Commission approval, one (1) of the parcels with a fire damaged structure that has been left open to the elements will be forfeited to the City upon motion to the Erie County Common Pleas Court and will be placed in the Land Reutilization Inventory where if it is determined it is not able to be rehabilitated will be demolished with CDBG funds; and

WHEREAS, the parcels requested for acquisition will be presented to this City Commission by Ordinance in the future for approval to enter into purchase and sale agreements for each of the parcels; and

WHEREAS, the total costs associated with these acquisitions will be minimal administrative staff time necessary for acquisition and any transfer fees which will be recouped by the City upon sale of the property; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the City Manager to accept these four (4) parcels of land into the City's Land Reutilization Program and allow the process of forfeiture through the Erie County Common Pleas Court to continue in a timely manner; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

PAGE 2 - RESOLUTION NO. _____

Section 1. This City Commission hereby approves and accepts for acquisition into the Land Reutilization Program four (4) parcels of nonproductive land situated within the City of Sandusky, as further described in Exhibit "A", a copy of which is attached to this Resolution and specifically incorporated herein.

Section 2. This City Commission authorizes and directs the City Manager to acquire the nonproductive land in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City.

Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN

PRESIDENT OF THE CITY COMMISSION

ATTEST: _____

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: June 27, 2011

**EXHIBIT A
VACANT LOTS - FORFEITED PROPERTY**

Parcel	Address	Owner(s)	Del. Taxes	Assessments	P&I*	Total Owed	Yearly Taxes and Assessments
57-03239.000	309 Reese	Charles R. & Kelli M. Smith III	4,176.44	1,437.75	827.10	6,441.29	554.70
Proposed Use: This unbuildable parcel was foreclosed on for delinquent property taxes and has been to at least 2 sheriff's sales with no bidders. It will be forfeited to the State of Ohio if not accepted by the City. It is located in the Southside Acquisition Zone and if acquired, will be held in the Land Bank for future development.							
59-00854.000	0 Camp	Cecil Tennon	3412.96	5,919.67	738.14	10,070.77	66.52
Proposed Use: This unbuildable parcel was foreclosed on for delinquent property taxes and has been to at least 2 sheriff's sales with no bidders. It will be forfeited to the State of Ohio if not accepted by the City. If acquired, it will be offered to the adjoining property owners for yard expansion.							

ACQUISITION OF PARCELS WITH STRUCTURES- FORFEITED PROPERTY

58-00500.000	306 W. Monroe	Starlin Jackson	6,432.10	13,793.56	1,260.37	21,486.03	164.09
Proposed Use: This single family structure has been foreclosed on for delinquent property taxes and has been to at least 2 sheriff's sales with no bidders. It will be forfeited to the State of Ohio if not accepted by the City. It is located in the Old Plat Acquisition Zone and if acquired, will be rehabilitated, if feasible, or demolished and offered to the adjoining property owners for yard expansion and off street parking, or held in the Land Bank for future development.							
57-00945.000	1631 Campbell	Elwood L. Clemens, etal	11,633.67	3,127.81	2,377.45	17,138.93	895.48
Proposed Use: This single family structure has been foreclosed on for delinquent property taxes and has been to at least 2 sheriff's sales with no bidders. It will be forfeited to the State of Ohio if not accepted by the City. It is a single family structure with 3 bedrooms and a Request for Proposals will be issued for a rehabilitation plan.							

TO: Don Icsman, City Manager
FROM: Chief James Lang
DATE: 06-15-2011
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

An ordinance authorizing the City Manager to purchase Thirty-two Point Blank Vision Level II Ballistic Vests from D&G Uniforms of Akron Ohio, through the State of Ohio Cooperative Purchasing Program for the Sandusky Police Department.

BACKGROUND INFORMATION:

The above listed ballistic vests are available through the State of Ohio Department of Administrative Services Cooperative Purchasing Program from D&G Uniform of Akron Ohio. These items are available under State of Ohio contract number 7778100206 for a total purchase price of \$21,433.60 The State of Ohio's Cooperative Purchasing Program through the Department of Administrative Services allows local political subdivisions to purchase items that have been competitively bid from the successful State vendor thereby giving the City the benefit of the State's competitively bid price without necessity of formal competitive bidding by the City. The ballistic vests are not available locally.

These new ballistic vests will replace existing vests that are nearing the end of their recommended service life and need to be replaced.

BUDGETARY INFORMATION:

The total cost for the 32 ballistic vests is \$21,433.60 with \$11,626.10 to be paid with funds from the police department's 2011 budget and the remaining \$9,807.50 will be paid with funds from the U.S. Department of Justice, Office of Justice Programs Bulletproof Vest Partnership Program (BVP).

In the past, the FOP Lake Erie Lodge #17 has reimbursed \$200.00 per vest for reserve officers and it is anticipated that the FOP Lake Erie Lodge #17 will reimburse \$1800.00 for the vests for the nine newly hired reserve officers.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to approve the purchase of the 32-Point Blank "Vision" Ballistic Vests. It is further requested that this be passed and take immediate effect in accordance with Section 14 of the City Charter to allow for the placement of the order before the price increases June 30, 2011, and to expend the awarded BVP funds before they expire in September of 2011.

Approved:

Jim Lang, Interim Police Chief

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE THIRTY TWO (32) POINT BLANK VISION LEVEL II BALLISTIC VESTS FROM D & G UNIFORMS OF AKRON, OHIO, THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM FOR THE SANDUSKY POLICE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the existing ballistic vests used by the Sandusky Police Department are nearing the end of their recommended service life and need to be replaced; and

WHEREAS, the Point Blank Vision Level II Ballistic Vests from D & G Uniforms of Akron, Ohio, are available through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, thereby, allowing local political subdivisions to purchase items that have been competitively bid from the successful state vendor giving the City the benefit of the State's negotiated price and eliminating the necessity of formal bidding; and

WHEREAS, the total cost for thirty two (32) Point Blank Vision Level II Ballistic Vests is \$21,433.60 of which \$11,626.10 will be paid with funds from the Police Department's 2011 budget and the remaining balance of \$9,807.50 will be paid with funds from the U.S. Department of Justice, Office of Justice Programs Bulletproof Vest Partnership Program (BVP); and

WHEREAS, in the past, the FOP Lake Erie Lodge #17 has reimbursed \$200.00 per vest for reserve officers and it is anticipated that the FOP Lake Erie Lodge #17 will provide a reimbursement of \$1800.00 for the vests for the nine newly hired reserve officers; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow for the placement of the order as soon as possible as there will be a price increase effective June 30, 2011, and to expend the awarded funds from the Bulletproof Vest Partnership (BVP) program before the funds expire in September of 2011; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Police Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to purchase thirty two (32) Point Blank Vision Level II Ballistic Vests for the Sandusky Police Department from D & G Uniforms of Akron, Ohio, at an amount **not to exceed** Twenty One Thousand Four Hundred Thirty Three and 60/100 Dollars (\$21,433.60).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall

not affect the validity of the remaining portions thereof.

Section 3. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: June 27, 2011

June 16, 2011
M E M O R A N D U M

TO: Donald C. Icsman, Acting City Manager
FROM: Paul E. Ricci, Fire Chief
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City Manager to purchase twenty-four (24) Ballistic Point Blank Vision 2A Vests from D&G Uniforms of Akron, Ohio through the State of Ohio Cooperative Purchasing Program #7778100206 in the amount of **\$16,326.24**.

BACKGROUND INFORMATION: The Sandusky Fire Department provides emergency medical service to a diverse demographic community. Unfortunately, at times, this environment can become violent and extremely hazardous to responding fire department personnel. Since 2002, the incidents of injury to citizens due to violent circumstances have increased significantly. The Sandusky Fire Department Health and Safety Committee, at the direction of Chief Paul Ricci, were tasked with reviewing this EMS response history. The committee was also tasked to review staging policies, protective clothing options and standard operating guidelines for the use of ballistic and stab protection. As a result of that historical review and the changing work environment, it is the recommendation of the Fire Chief that the City of Sandusky City Commission approve the purchase of twenty-four (24) ballistic vests.

BUDGETARY INFORMATION: This purchase will not negatively impact the General Fund. The funding for this purchase of twenty four (24) Ballistic Point Blank Vision 2A Vests in the total amount of **\$16,326.24** is available from revenue generated by ambulance transport fees. This funding is dedicated for Fire Department Equipment and Apparatus replacement, account 431-1330-54090.

ACTION REQUESTED: It is requested that the proper legislation be prepared to purchase twenty-four (24) Ballistic Point Blank Vision 2A Vests from D&G Uniforms of Akron, Ohio through the State of Ohio Cooperative Purchasing Program #7778100206 in the amount of **\$16,326.24**. In order to expedite this purchase it is requested that this legislation take immediate effect in full accordance with section 14 of the City Charter as there is a price increase June 30, 2011.

Approved:

I concur with this recommendation:

Paul E. Ricci, Fire Chief

Donald C. Icsman, Acting City Manager

Cc: Hank Solowiej, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE TWENTY FOUR (24) POINT BLANK VISION 2A BALLISTIC VESTS FROM D & G UNIFORMS OF AKRON, OHIO, THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM FOR THE SANDUSKY FIRE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Fire Chief is recommending the purchase of twenty four (24) ballistic vests for the Fire Department and the Point Blank Vision 2A Ballistic Vests from D & G Uniforms of Akron, Ohio, are available through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, thereby, allowing local political subdivisions to purchase items that have been competitively bid from the successful state vendor giving the City the benefit of the State's negotiated price and eliminating the necessity of formal bidding; and

WHEREAS, the total cost of the vests is \$16,326.24 and will be paid from revenue generated by Ambulance Transport Fees dedicated for Fire Department apparatus and equipment replacement (Account #431-1330-54090); and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite the purchase of the vests as there will be a price increase effective June 30, 2011; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Fire Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to purchase twenty four (24) Point Blank Vision 2A Ballistic Vests for the Sandusky Fire Department from D & G Uniforms of Akron, Ohio, at an amount **not to exceed** Sixteen Thousand Three Hundred Twenty Six and 24/100 Dollars (\$16,326.24).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in

meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: June 27, 2011



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

TODD J ROTH, P.E., P.S.

222 Meigs Street
Sandusky, Ohio 44870
Phone 419/627-5829
Fax 419/627-5933

troth@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager
From: Todd J Roth, Director
Date: June 15, 2011
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Change Order No. 10, General Trades and Electric Contract for the Wastewater Treatment Plant Expansion Project Phase II. This Change Order includes six (6) item changes that are recommended for approval by the Project Manager, Jones & Henry Engineers, Ltd. City Staff concurs with the recommended approval.

1.	Door & Lintel Replacement – South Sludge Building Roof	ADD	5,826.62
2.	Sludge Storage Site – Floats	ADD	1,829.00
3.	Additional relays in existing UV Generator Control Panel	ADD	1,435.30
4.	Revisions at Sludge Heaters – Hot Water Piping	ADD	19,163.52
5.	Revisions to Sludge Cake Pump Piping	ADD	20,704.22
6.	Final Quantity Adjustments	DEDUCT	(34,811.00)
	TOTAL	ADD	14,147.66

The completion date of the project was recently extended to July 14, 2011 in order to complete the piping change at the centrifuge along with other required tasks. This change order includes that cost as well as other minor costs that were incurred and an adjustment to the final quantities in the form of a deduction in cost.

BUDGETARY INFORMATION: The Change Order No. 10 will increase the contract with Mosser Construction by \$14,147.66. The revised contract amount is \$16,778,281.85. The City's share of the change order is \$14,147.66 which will be paid with sewer funds through the project's OWDA loan.

As you are aware, the City and County entered into a Sewer Services Agreement in January of 2007 that provided for the expansion in peak flow capacity at the Wastewater Treatment Plant from 24 MGD to 36 MGD. On November 7, 2007, the Ohio EPA by letter notified the City that it was requiring the peak flow or wet weather capacity to be increased from 36 MGD to 42 MGD. Pursuant to the Sewer Services Agreement the City is responsible for 61.1% of the construction costs and the County is responsible for 38.9%, other than for the additional 6 MGD flow required by the EPA which is allocated 90% to the City and 10% to the County.

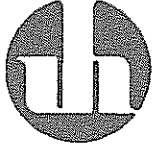
Since the beginning of the project, the construction costs have been shared 61.1% City / 38.9% County without considering the 90% City / 10% County share for the increase in wet weather capacity. As a result of this, the County will not contribute in this change order to accommodate the change in percentage from the additional 6 MGD flow required by the EPA.

ACTION REQUESTED: It is requested that the Wastewater Treatment Plant Expansion Project Phase II Change Order No. 10, General Trades & Electric contract, for six (6) item changes to be performed by Mosser Construction, Fremont, Ohio, be approved in full accordance with Section 14 of the City Charter in order to complete the project by the deadline of July 14, 2011.

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Finance Director



Jones & Henry Engineers, Ltd.

2000 WEST CENTRAL AVENUE, TOLEDO, OHIO 43606 • 419/473-9611
www.jheng.com FAX • 419/473-8924

June 15, 2011

Todd J. Roth, P.E., P.S.
Director of Engineering Services
Department of Planning, Engineering, and Development
Division of Engineering
222 Meigs Street
Sandusky, Ohio 44870

Subject: City of Sandusky, Ohio
WWTP Improvements, Phase II
Contracts G, E, P & H
Change Order 10 Approval and Processing
026-5991.003

Dear Mr. Roth:

The accompanying Change Order 10 includes six items. We have reviewed the items and the costs presented within those items. We have found the costs presented to represent the work to be installed under each item. We recommend the approval and processing of Change Order 10.

If you have any questions, please call anytime.

Sincerely,

JONES & HENRY ENGINEERS, LTD.

A handwritten signature in black ink, appearing to read 'Dan Miller', is written over the company name.

Daniel W. Miller, P.E.
Principal; Project Manager

DWM/rmb
Enc.

c: Mr. Jeff Meinert



CHANGE ORDER

Name of Project City of Sandusky, Ohio WWTP Improvements Project Number 026-5991.003 Page 1 of 3
 Contractor Mosser Construction, Inc. Change Order No. 10
 Address 122 South Wilson Avenue; Fremont, Ohio 43420 Date June 13, 2011

Description of Change		
Item 1	Door and Lintel Replacement- South Sludge Building Roof (#015-6608)	\$ 5,826.62
Item 2	Sludge Storage Site - Floats to Replace Level Element and Auto-Dialer Addition in Telemetry Panel (#032-6608)	\$ 1,829.00
Item 3	Additional relays in existing UV Generator Control Panel (#038-6608)	\$ 1,435.30
Item 4	Revisions at Sludge Heaters – Hot Water Piping	\$ +19,163.52
Item 5	Revisions to Sludge Cake Pump Piping	\$ +20,704.22
Item 6	Final Quantity Adjustments	\$ -34,811

Bid Amount \$ 16,500,000.00 Total Increase \$ 14,147.66
 Net Change through Change Order 10 \$ 278,281.85
 Present Contract Amount \$ 16,778,281.85
 Change in Time of Completion None to None

All claims against OWNER, which are incidental to or a consequence of this Change Order, are satisfied.

Prepared By: Jones & Henry Engineers, Ltd. By _____ Date _____
 Engineer

Accepted: Mosser Construction, Inc. By _____ Date _____
 Contractor

Approved: City of Sandusky, Ohio By _____ Date _____
 Owner



**City of Sandusky, Ohio
WWTP Improvements
Phase II
Contracts G and E
026-5991.003**

Change Order No. 10

Item 1 Door and Lintel Replacement- South Sludge Building Roof (#015-6608) \$ 5,826.62

This item includes all labor, equipment, and material to replace the door and lintel leading to the roof of the South Sludge Control Building. The Change Order Bulletin and the Contractor's Proposal are attached.

Need for Change: This door is in need of repair. It was not included in the Contract but is desired to be replaced by a change order to match this new door with the other doors at this building that were replaced under this Contract.

**Item 2 Sludge Storage Site - Floats to Replace Level Element and Auto-Dialer \$ 1,829.00
Addition in Telemetry Panel (#032-6608)**

This item includes all labor, equipment, and material added to or deleted from the Contract to install an AquaVox wireless web addressable auto dialer in the telemetry panel at the sludge storage site and to replace the specified level element with two high-level floats in the third septic tank. The Change Order Bulletin and Contractor's Proposal are attached.

Need for Change: The City desires the floats as oppose to the level element specified. The auto dialer was not included in the original contract documents, since, at that time, the City was investigating different options for relaying this signal to the plant.

Item 3 Additional relays in existing UV Generator Control Panel (#038-6608) \$ 1,435.30

This item includes all labor, materials, and equipment to install new relays in the UV Generator Control Panel. The connection of the existing engine generator alarm outputs to the PLC system can then be completed by the Contractor upon installation of these new relays. The Contractor's Proposal for this work is attached.

Need for Change: The Contract Drawings detail the connection of the existing engine generator alarm outputs to the PLC system. To make these connections as per the Contract; however, additional relays are necessary. The addition of these relays was not included in the Contract Documents. These additional relays are being added under this change to allow the connection to be made as intended.

Note: Items 1 through 3 were previously included on Change Order 7. Change Order 7 was voided.

**Item 4 Revisions at Sludge Heaters – Hot Water Piping & Control Valves**

\$ +19,163.52

This item includes revising the hot water piping and adding control valves on all three sludge heaters. Under Change Order 6, the Contractor submitted a cost to revise the sludge heater piping. The cost was to be for three sludge heaters, and their cost of \$9,581.76 and was mistaken for three. It was actually for one. The total cost of the work was \$28,745.28. We did request quotation from IPS the other Contractor on site for the same work, and their quotation was similar. This was simply a mistake.

Item 5 Revisions to the Sludge Cake Pump Piping

\$ +20,704.22

During startup of the centrifuge, the cake pump was unable to pump the sludge cake due in part to the dryness of the sludge cake (see attached letter). The change involves adding long radius bends to reduce the piping headloss.

Item 6 Final Quantity Adjustments

\$ -34,811.00

The Contract Specifications included 9 bid items. The bid items were included to make quantity/work adjustments during the course of the project. The final quantities were as follows:

Bid Item	Bid Quantity	Valve	Final Quantity	Bid Amount	Final Total
1a Additional Excavation	500 CY	\$20	CY	\$10,000	\$1,200
1b Class A Concrete	30 CY	\$270	28.33 CY	\$8,100	\$7,650
1c Resteel	1000 lbs.	\$2	0 lbs.	\$2,000	\$0
1d Special Backfill	30 CY	\$34	15 CY	\$1,020	\$510
1e Digester Cleaning	1 LS	\$43,000	1 LS	\$43,000	\$43,000
1f Contaminated Soils	25 CY	\$100	0	\$2,500	\$0
1g 6-inch Valves	10 EA	\$775	0	\$7,750	\$0
1h 8-inch Valves	5 EA	\$1,075	0	\$5,375	\$0
1i Concrete Restoration	100 CF	\$260	71.44 CY	<u>\$26,000</u>	<u>\$18,574</u>
				\$105,745	\$70,934.00
Deduct in Contract Amount					\$34,811.00

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE TENTH CHANGE ORDER FOR WORK BEING PERFORMED FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT PHASE II IN THE AMOUNT OF \$14,147.66 TO BE PAID TO MOSSER CONSTRUCTION OF FREMONT, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the City Manager to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Design Services for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 07-010, passed on February 12, 2007, and subsequently amended by Ordinance No. 08-060, passed on July 14, 2008; and

WHEREAS, this City Commission declared the necessity to proceed with the Wastewater Treatment Plant Expansion Project Phase II by Resolution No. 021-08R, passed on August 25, 2008; and

WHEREAS, this City Commission approved the awarding of Contracts G (General Trades) & E (Electrical) to Mosser Construction of Fremont, Ohio, for work being performed for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-102, passed on October 14, 2008; and

WHEREAS, this City Commission authorized the City Manager to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Construction Services, which included requests for change orders, for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-117, passed on November 10, 2008; and

WHEREAS, this City Commission approved the Ninth Change Order for work being performed by Mosser Construction for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 11-044, passed on May 9, 2011, which extended the project completion date from May 15, 2011, to July 14, 2011, in order to complete the piping change at the centrifuge along with other required tasks; and

WHEREAS, this Tenth Change Order provides for six (6) item changes that include the cost of the piping change at the centrifuge as well as other minor costs that were incurred and an adjustment to the final quantities in the form of a deduction and these changes are recommended for approval by the Project Manager, Jones & Henry Engineers, Ltd. and are listed as follows:

1. Door & Lintel Replacement - South Sludge Building Roof.	ADD	\$5,826.62
2. Sludge Storage Site - Floats.	ADD	\$1,829.00
3. Additional relays in existing UV Generator Control Panel.	ADD	\$1,435.30
4. Revisions at Sludge Heaters - Hot Water Piping.	ADD	\$19,163.52
5. Revisions to Sludge Cake Pump Piping.	ADD	\$20,704.22
6. Final Quantity Adjustments.	DEDUCT	(\$34,811.00)
	TOTAL	<u>\$14,147.66</u>

WHEREAS, the current contract with Mosser Construction is \$16,764,134.19 and with the addition of this Tenth Change Order in the amount of \$14,147.66, the revised contract cost is \$16,778,281.85, and will be paid with Sewer Funds through the project's OWDA loan; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to complete the project by the deadline of July 14, 2011; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to approve this Tenth Change Order for work being performed for the Wastewater Treatment Plant Expansion Project Phase II in an amount **not to exceed** Fourteen Thousand One Hundred Forty Seven and 66/100 Dollars (\$14,147.66) to be paid to Mosser Construction of Fremont, Ohio.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

PAGE 3 - ORDINANCE NO. _____

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: June 27, 2011



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

TODD J ROTH, P.E., P.S.

222 Meigs Street
Sandusky, Ohio 44870
Phone 419/627-5829
Fax 419/627-5933

troth@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager
From: Todd J Roth, Director
Date: June 17, 2011
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION:

A resolution approving the submission of an application by the City of Sandusky to the State of Ohio, to participate in the Clean Ohio Revitalization Fund for the Former Apex Manufacturing Property Project.

The State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs in creating redevelopment ready projects from brownfield sites. The former Apex building, located at 1643 First Street, is a potential site for cleanup using Clean Ohio Revitalization Funds.

The site has a long history of manufacturing facilities starting with the Eagle Macomber Motor Company and Way Clean Street Sweepers occupying the property in 1919. The Apex Electrical Manufacturing Company (Apex) occupied the property from 1937 until 1957. Apex operated a washing machine and electrical appliance manufacturing facility on the southwestern portion of the property. Apex also operated a porcelain manufacturing facility on the western portion of the Property from 1937 until the mid- to late 1960s, when that portion of the building was razed. The Property has been used mainly for storage from 1968 until the present (including by Famous Supply Co. and/or its affiliates since approximately 1978).

The site is currently owned by Famous Realty of Cleveland, Inc. If funding is awarded the City will administer the grant only. This grant application cannot exceed two million dollars for redevelopment ready projects.

BUDGETARY INFORMATION: The City will have no financial obligation. The owner will be responsible for any application costs and matching funds required for the grant.

ACTION REQUESTED: It is recommended that a resolution approving the submission of a grant application to the State of Ohio be approved in full accordance with Section 14 of the City Charter in order to meet the application deadline of July 15, 2011.

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Finance Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE A GRANT APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND (CORF); AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs in creating redevelopment ready projects from brownfield sites and the former Apex building, located at 1643 First Street, is a potential site for cleanup using Clean Ohio Revitalization Funds; and

WHEREAS, the City of Sandusky desires to participate in the Program to receive assistance for the Former Apex Manufacturing Property Project under the Clean Ohio Revitalization Fund (CORF); and

WHEREAS, the City of Sandusky has the authority to apply for financial assistance and to administer any amounts received from the State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund; and

WHEREAS, it is necessary that this City Commission authorize and direct the City Manager and/or Director of Planning, Engineering and Development to act in connection with the grant application and to provide such additional information as may be required by the State of Ohio; and

WHEREAS, neither the filing of the Grant Application nor the receipt of a grant through CORF will impact the City's General Fund as the owner of the property, Famous Realty of Cleveland, Inc., will be responsible for any application costs and matching funds if awarded; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the grant application to be submitted prior to the July 15, 2011, deadline; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Engineering Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves the filing of an application for financial assistance under the State of Ohio, Clean Ohio Council, and Clean Ohio Revitalization Fund.

Section 2. This City Commission authorizes and directs the City Manager and/or Director of Planning, Engineering and Development, as the official representative of the City of Sandusky, to file an application to participate in the State of Ohio, Department of Development, and to provide all information and documentation that may be required in the application for the State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund submission and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds should they be awarded.

Section 3. This City Commission acknowledges and agrees that Famous Realty of Cleveland Inc. has committed to provide all match funding necessary to accomplish demolition of the building and environmental remediation should the Clean Ohio Revitalization Fund grant be awarded.

Section 4. This City Commission understands and agrees that participation in the Program will require compliance with Program guidelines and assurances.

Section 5. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure, which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of this Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: June 27, 2011



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

TODD J ROTH, P.E., P.S.

222 Meigs Street
Sandusky, Ohio 44870
Phone 419/627-5829
Fax 419/627-5933

troth@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager
From: Jane E. Cullen, Engineering Technician
Date: June 22, 2011
Subject: Commission Agenda Item

Item for Consideration: Legislation authorizing the City to enter into a new LPA Federal Local-Let Project Agreement for the Camp Street Underpass Rehabilitation Project with the Ohio Department of Transportation. This agreement will allow the City to be the lead agency in the administration of the project.

It was recently discovered that in January of 2008, the original LPA agreement was signed by the City Manager without proper legal authorization from the City Commission to obtain approval to enter into the agreement.

The project involves rehabilitation of the upper and lower walls, sidewalk and handrail replacement, lowering the existing forcemain below the sidewalk and pump station improvements for the Camp Street Underpass.

Budgetary Information: There is no budgetary consequence with this legislation. However, the project cost is estimated at \$2,000,000.00 and will be funded with FHWA funds through ODOT and the Erie County Metropolitan Planning Organization (MPO) in the amount of eighty percent (80%) of the eligible costs up to a maximum of \$1,600,000.00. The Sewer Funds will provide the remaining amount of \$400,000.00.

Action requested: It is requested that the necessary legislation be approved in full accordance with Section 14 of the City Charter in order for the new agreement to be executed to replace the void 2008 agreement. In order to keep this project moving forward with submittal of the project for bidding by the end of this year, the agreement must be in place.

Jane E. Cullen, P.E.

I concur with this recommendation:

Donald C. Icsman,
Acting City Manager

Todd J Roth, P.E., P.S.
Director of PED

cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Finance Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO THE LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CAMP STREET UNDERPASS REHABILITATION PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the National Transportation Act has made available certain Federal funding for use by Local Public Authorities (LPA's like the City of Sandusky) through the Federal Highway Administration (FHWA) which has designated O.D.O.T. as the agency to administer FHWA's Federal Funding Programs; and

WHEREAS, the Ohio Revised Code provides that O.D.O.T. may coordinate its activities and enter into contracts with appropriate public authorities like the City of Sandusky to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by O.D.O.T. provided such administration is performed in accordance with all applicable Federal and State laws and regulations; and

WHEREAS, if approved this grant funding will provide for the rehabilitation of the upper and lower walls, sidewalk and handrail replacement, lowering the existing forcemain below the sidewalk and pump station improvements for the Camp Street Underpass; and

WHEREAS, FHWA's funding will be received through O.D.O.T. and the Erie County Metropolitan Planning Organization (MPO) in the maximum amount of \$1,600,000.00 (80% of eligible costs) with the remaining balance of \$400,000.00 to be paid with Sewer Funds for an estimated total project cost of \$2,000,000.00; and

WHEREAS, it was recently discovered that in January of 2008, the original LPA agreement was signed by the City Manager without proper legal authorization from the City Commission to obtain approval to enter into the agreement; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the new agreement to be executed to replace the void 2008 agreement and allow the project to move forward with submittal of the project for bidding by the end of CY 2011; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and **NOW, THEREFORE**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into the LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the Camp Street Underpass Rehabilitation Project (ERI - Camp Street Underpass; PID No. 82672), substantially in the same form as contained in Exhibit "A" which is attached to this Resolution and specifically incorporated as if fully rewritten herein, together with such

revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Resolution.

Section 2. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. That it is found and determined that all formal actions of the City Commission of the City of Sandusky concerning and relating to the adoption of this Resolution were taken in an open meeting of the City Commission of the City of Sandusky and that all deliberations of this City's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 4. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter from and after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: June 27, 2011

CFDA 20.205

LPA FEDERAL LOCAL-LET PROJECT AGREEMENT

THIS AGREEMENT is made by and between the State of Ohio, Department of Transportation, hereinafter referred to as ODOT, 1980 West Broad Street, Columbus, Ohio 43223 and the City of Sandusky, hereinafter referred to as the LPA, 222 Meigs Street, Sandusky, Ohio 44870.

1. PURPOSE

- 1.1 The National Transportation Act has made available certain Federal funding for use by local public agencies. The Federal Highway Administration (hereinafter referred to as FHWA) designated ODOT as the agency in Ohio to administer FHWA's Federal funding programs.
- 1.2 Section 5501.03 (C) of the Ohio Revised Code provides that ODOT may coordinate its activities and enter into contracts with other appropriate public authorities to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT.
- 1.3 The reconstruction of walkways, upper and lower walls, install new handrails, improve lighting, milling and paving of road to meet new grades, and storm sewer improvements (hereinafter referred to as the PROJECT) is a transportation activity eligible to receive Federal funding, and which is further defined in the PROJECT scope.
- 1.4 The purpose of this Agreement is to set forth requirements associated with the Federal funds available for the PROJECT and to establish the responsibilities for the local administration of the PROJECT.

2. LEGAL REFERENCES

- 2.1 This Agreement is authorized by the following statutes and/or policies, which are incorporated in their entirety:
 - a. Section 5501.03(C) of the Ohio Revised Code;
 - b. ODOT Policy No. 25-001(P), Development Process Policy for Locally-Administered Transportation Projects;
 - c. ODOT Locally Administered Transportation Projects, Manual of Procedures; and
 - d. National Transportation Act, Title 23, U.S.C.; 23 CFR 635.105.
- 2.2 The LPA shall comply with all applicable Federal and State laws, regulations, executive orders, and applicable ODOT manuals and guidelines. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

3. FUNDING

- 3.1 The total cost for the PROJECT is estimated to be \$ 2,000,000.00 as set forth in Attachment 1. ODOT shall provide to the LPA 80 percent of the eligible costs, up to a maximum of \$ 1,600,000.00 in Federal funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through

ODOT shall be applied only to the eligible costs associated with the actual construction of the transportation project improvements and construction engineering/inspection activities.

- 3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all cost overruns and contractor claims.

4. PROJECT DEVELOPMENT AND DESIGN

- 4.1 The LPA and ODOT agree that the LPA is qualified to administer this PROJECT and is in full compliance with all LPA participation requirements.
- 4.2 The LPA and ODOT agree that the LPA has received funding approval for the PROJECT from the applicable ODOT Program Manager having responsibility for monitoring such projects using the Federal funds involved.
- 4.3 The LPA shall design and construct the PROJECT in accordance with a recognized set of written design standards. The LPA shall make use of ODOT's Location and Design Manual (L&D), or the appropriate AASHTO publication. Even though the LPA may use its own standards, ODOT may require the LPA to use a design based on the L&D Manual for projects that contain a high crash rate or areas of crash concentrations. Where the LPA has adopted ODOT standards for the PROJECT, the LPA shall be responsible for ensuring that any ODOT standards used for the PROJECT are current and/or updated. The LPA shall be responsible for periodically contacting the ODOT District LPA Coordinator or through the following Internet website for any changes or updates: www.dot.state.oh.us/drrc.)
- 4.4 The LPA shall either designate an LPA employee, who is a registered professional engineer, to act as the PROJECT Design Engineer and serve as the LPA's principal representative for attending to PROJECT responsibilities, or engage the services of a pre-qualified ODOT consultant who has been chosen using a Qualification-Based Selection (QBS) process as required pursuant to Ohio Revised Code sections 153.65 through 153.71. The pre-qualified list is available on the ODOT web page at <http://www.dot.state.oh.us/CONTRACT>.)
- 4.5 If Federal funds are used for a phase of project development and the LPA executes an agreement with a consultant prior to the receipt of the "Authorization" notification from ODOT, ODOT may terminate this Agreement and cease all Federal funding commitments.
- 4.6 ODOT reserves the right to move this PROJECT into a future sale year if the LPA does not adhere to the established PROJECT schedule, regardless of any funding commitments.

5. ENVIRONMENTAL RESPONSIBILITIES

- 5.1 In the administration of this PROJECT, the LPA shall be responsible for conducting any required public involvement events, for preparing all required documents, reports and other supporting materials needed for addressing applicable environmental assessment, for clearance responsibilities for the PROJECT pursuant to the National Environmental Policy Act and related regulations, including the requirements of the National Historic Preservation Act; and for securing all necessary permits.
- 5.2 If the LPA does not have the qualified staff to perform any or all of the respective environmental responsibilities, the LPA shall hire an ODOT Pre-qualified Consultant through a QBS process. The pre-qualified list is available on the ODOT web page at <http://www.dot.state.oh.us/CONTRACT>. If the LPA hires a pre-qualified consultant, the LPA shall be responsible for monitoring the consultant's activities and ensuring that the consultant is following all Federal and State laws, regulations, policies, and guidelines.

- 5.3 ODOT shall be responsible for the review of all environmental documents and reports, and shall complete all needed coordination activities with State and Federal regulatory agencies toward securing environmental clearance.
- 5.4 The LPA shall be responsible for assuring compliance with all commitments made as part of the PROJECT's environmental clearance and/or permit requirements.
- 5.5 The LPA shall require its consultant, selected to prepare a final environmental document pursuant to the requirements of the National Environmental Policy Act, to execute a copy of a disclosure statement specifying that the consultant has no financial or other interest in the outcome of the PROJECT.
- 5.6 The LPA shall provide a letter indicating the proposed Best Management Practices (BMPs) to be utilized for post construction storm water management in accordance with the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Construction General Permit. If no BMPs are proposed, a letter stating concurrence is required from the Ohio EPA.

6. RIGHT OF WAY/ UTILITIES/ RAILROAD COORDINATION

- 6.1 All right-of-way acquisition activities shall be performed by the LPA in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646) as amended by 49 CFR Part 24 (hereinafter referred to as Uniform Act), any related Federal regulations issued by the FHWA, and State rules, policies and guidelines issued by ODOT.
- 6.2 If existing and newly-acquired right of way is required for this PROJECT, the LPA shall certify that the all right of way has been acquired in conformity with Federal and State laws, regulations, policies, and guidelines. As specified in ODOT's Real Estate Policy and Procedures Manual, Section 5202.01-II-(B), any LPA staff who perform any real estate functions shall be prequalified by the ODOT's Office of Real Estate. If the LPA does not have the qualified staff to perform any or all of the respective right of way functions, the LPA shall hire an ODOT Pre-qualified Consultant through a QBS process. The LPA shall not hire the same consultant to perform both the appraisal and appraisal review functions. Appraisal review shall be performed by an independent staff or fee reviewer and shall be hired directly by the LPA. Likewise, a consultant hired to perform right of way acquisition work can not also perform both the relocation and relocation review functions. Relocation review shall be performed by an independent staff or fee reviewer.
- 6.3 If the LPA hires a pre-qualified consultant, the LPA shall be responsible for monitoring the consultant's activities and ensuring that the consultant is following all Federal and State laws, regulations, policies, and guidelines.
- 6.4 All relocation assistance activities shall be performed by the LPA in conformity with Federal and State laws, including the Uniform Act, and any related Federal regulations issued by the FHWA, and State rules, policies and guidelines issued by ODOT. The LPA shall not hire a consultant to perform both the relocation and relocation review functions nor shall the LPA hire a sub-consultant for relocation and another sub-consultant for relocation review. Relocation review shall be performed by an independent staff or fee reviewer and shall be hired directly by the LPA.
- 6.5 The LPA shall provide the ODOT District Office with its certification that all right of way property rights necessary for the PROJECT are under the LPA's control, that all right of way has been cleared of encroachments, and that utility facilities have been appropriately relocated or accounted for so as not to interfere with PROJECT construction activities. ODOT shall make use of the LPA's Right of Way Certification, as well as evaluate the LPA's and/or consultant's performance of the PROJECT real estate activities under Titles II and III of the Uniform Act, and, as appropriate, certify compliance to the FHWA. The LPA shall be liable to repay to ODOT all of

the Federal funds disbursed to it under this Agreement if the certification of the LPA is found to be in error or otherwise invalid.

- 6.6 In the administration of this PROJECT, the LPA agrees to follow all procedures described in the ODOT Utilities Manual and 23 CFR Part 645. When applicable, the LPA shall enter into a utility relocation agreement with each utility prior to the letting of construction. No reimbursable construction costs shall be incurred by the LPA prior to the receipt of the "Authorization to Advertise" notification from ODOT. If such costs are incurred, ODOT may terminate this Agreement and cease all Federal funding commitments.
- 6.7 The LPA shall submit all subsequent modifications to the design of the PROJECT and/or any disposal of property rights acquired as part of the PROJECT to ODOT and FHWA for approval.
- 6.8 The LPA shall be responsible for any necessary railroad coordination and agreements. The LPA shall comply with the provisions of Title 23 of the Code of Federal Regulations and applicable chapters of the Ohio Revised Code regarding all activities relating to Railroad-Highway projects.
- 6.9 Consistent with sections 10.1 and 10.4 of this agreement, the LPA shall assure that if any property acquired for this project is subsequently sold for less than fair market value that all Title VI requirements are included in the instrument which transfers the property. Consistent with sections 10.1 and 10.4 of this agreement the LPA shall assure that if the LPA grants a permit or license for the property acquired for this project that the license or permit require the licensee or permit holder to adhere to all Title VI requirements.

7. ADVERTISING, SALE AND AWARD

- 7.1 The LPA **shall not** advertise for bids prior to the receipt of the "Authorization to Advertise" notification from ODOT. Should advertising or work commence prior to the receipt of the "Authorization to Advertise" notification, ODOT shall immediately terminate this Agreement and cease all Federal funding commitments.
- 7.2 Any use of sole source or proprietary bid items must be approved by the applicable ODOT district. All sole source or proprietary bid items should be brought to the attention of the LPA Coordinator as soon as possible so as not to cause a delay in the plan package submission process. Bid items for traffic signal and highway lighting projects must be in conformance with ODOT's Traffic Engineering Manual.
- 7.3 Once the LPA receives Federal authorization to advertise, the LPA may begin advertising activities. Advertisements shall be in accordance with local bidding requirements. Whenever local advertisement requirements differ from Federal advertisement requirements, the Federal requirements shall prevail. The PROJECT shall be advertised for three (3) consecutive weeks. The period between the first legal advertising date and the bid opening date shall be a minimum of twenty-one (21) calendar days. The LPA shall submit to ODOT any addendum to be issued during the advertisement period that changes estimates or materials. ODOT shall review and approve such addendum for project eligibility. All addenda shall be distributed to all potential bidders prior to opening bids and selling the contracts.
- 7.4 The LPA shall incorporate ODOT's LPA Bid Template in its bid documents. The template includes Form FHWA-1273, Required Contract Provisions, a set of contract provisions and proposal notices that are required by regulations promulgated by the FHWA and other Federal agencies, which must be included in all contracts, as well as appropriate subcontracts and purchase orders.
- 7.5 The LPA shall require the contractor to be enrolled in, and in good standing with, the Ohio Bureau of Workers' Compensation Drug-Free Safety Program (DFSP) or a similar program

approved by the Bureau of Workers' Compensation, and require the same of any of its subcontractors.

- 7.6 Only pre-qualified contractors are eligible to submit bids for this PROJECT. Pre-qualification status must be in force **at the time of bidding, at the time of award, and through the life of the construction contract**. For work types that ODOT does not pre-qualify, the LPA must still select a qualified contractor. Subcontractors are not subject to the pre-qualification requirement. In accordance with FHWA Form 1273 Section VII. and 23 CFR 635.116, the "prime" contractor must perform no less than 30 percent of the total original contract price. The 30 percent prime requirement does not apply to design-build contracts.
- 7.7 In accordance with Section 153.54, et. seq. of the Ohio Revised Code, the LPA shall require that the selected contractor provide a performance and payment bond in an amount at least equal to 100 percent of its contract price as security for the faithful performance of its contract. ODOT shall be named an obligee on any bond.
- 7.8 Before awarding a contract to the selected contractor, the LPA shall verify either that the contractor is not subject to a finding for recovery under R.C. 9.24, or that the contractor has taken the appropriate remedial steps required under R.C. 9.24, or that the contractor otherwise qualifies under the exceptions to this section. Findings for recovery can be viewed on the Auditor of State's website at <http://www.auditor.state.oh.us/WhatsNew/FFR/>. If the LPA fails to so verify, ODOT may immediately terminate this Agreement and release all federal funding commitments.
- 7.9 Before awarding a contract to the selected contractor, the LPA shall verify either that the contractor is not subject to suspension or debarment under the Federal Excluded Parties System List (EPSL). Contractors on the EPSL are excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and nonfinancial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, note, E.O. 12549, E.O. 12689, 48 CFR 9.404, and the FHWA codification of the Common Rule for Nonprocurement suspension and debarment. The EPSL can be viewed on the Federal EPSL website at <https://www.epls.gov/>. If the LPA fails to so verify, ODOT may immediately terminate this Agreement and release all federal funding commitments.
- 7.10 The LPA is prohibited from imposing any geographical hiring preference on any bidder in the LPA's bid documents or on any successful contractor in the LPA's award or contract for the construction of the PROJECT.
- 7.11 After analyzing all bids for completeness, accuracy, and responsiveness, the LPA shall approve the award of the contract in accordance with laws and policies governing the LPA. Within 45 days of that approval, the LPA shall submit to ODOT notification of the project award by submitting a bid tabulation, a copy of the ordinance or resolution, and direct payment information as required in Attachment 2 of this agreement, if applicable.

8. CONSTRUCTION CONTRACT ADMINISTRATION

- 8.1 The LPA shall provide and maintain competent and adequate project management covering the supervision and inspection of the development and construction of the PROJECT. The LPA shall bear the responsibility of ensuring that construction conforms to the approved plans, surveys, profiles, cross sections and material specifications. If a consultant is used for engineering and/or inspection activities, the LPA must use a QBS process as required pursuant to ORC sections 153.65 through 153.71. Any construction contract administration or engineering costs incurred by the LPA or their consultant prior to the construction contract award date will not be eligible for reimbursement under this agreement.
- 8.2 The LPA shall certify both the quantity and quality of material used, the quality of the work performed, and the amount of construction engineering cost, when applicable, incurred by the

LPA for the eligible work on the PROJECT, as well as at the completion of construction. The LPA shall certify that the construction is in accordance with the approved plans, surveys, profiles, cross sections and material specifications or approved amendments thereto.

- 8.3 The Federal-aid Highway Program operates on a reimbursement basis. The LPA shall review and/or approve all invoices prior to payment and prior to requesting reimbursement from ODOT for work performed on the PROJECT. The LPA shall ensure the accuracy of any invoice in both amount and in relation to the progress made on the PROJECT. The LPA must submit to ODOT a written request for either current payment or reimbursement of the Federal/State share of the expenses involved, attaching copies of all source documentation associated with pending invoices or paid costs. To assure prompt payment, the measurement of quantities and the recording for payment should be performed on a daily basis as the items of work are completed and accepted.
- 8.4 ODOT shall pay, or reimburse, the LPA or, at the request of the LPA and with concurrence of ODOT, pay directly to the LPA's construction contractor ("Contractor"), the eligible items of expense in accordance with the cost sharing provisions of this Agreement. If the LPA requests to have the Contractor paid directly, Attachment 2 to this Agreement shall be completed and submitted with the project bid tabulations and the Contractor shall be required to establish Electronic Funds Transfer with the State of Ohio. ODOT shall pay the Contractor or reimburse the LPA within thirty (30) days of receipt of the approved Contractor's invoice from the LPA.
- 8.5 The LPA shall notify ODOT of the filing of any mechanic's liens against the LPA's Contractor within three (3) business days of receipt of notice of lien. Failure to so notify ODOT or failure to process a mechanic's lien in accordance with the provisions of Chapter 1311 of the Ohio Revised Code may result in the termination of this Agreement. Upon the receipt of notice of a mechanic's lien, ODOT reserves the right to (1) withhold an amount of money equal to the amount of the lien that may be due and owing to either the LPA or the Contractor; (2) terminate direct payment to the affected Contractor; or (3) take both actions, until such time as the lien is resolved.
- 8.6 Payment or reimbursement to the LPA shall be submitted to:
Hank Solowiej, Finance Director
City of Sandusky
222 Meigs Street
Sandusky, Ohio 44870
- 8.7 If, for any reason, the LPA contemplates suspending or terminating the contract of the Contractor, it shall first seek ODOT's written approval. Failure to timely notify ODOT of any contemplated suspension or termination, or failure to obtain written approval from ODOT prior to suspension or termination, may result in ODOT terminating this Agreement and ceasing all federal funding commitments.
- 8.8 If ODOT approves any suspension or termination of the contract, ODOT reserves the right to amend its funding commitment in paragraph 3.1 and if necessary, unilaterally modify any other term of this Agreement in order to preserve its federal mandate. Upon request, the LPA agrees to assign all rights, title, and interests in its contract with the Contractor to ODOT 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.
- 8.9 Any right, claim, interest, and/or right of action, whether contingent or vested, of the LPA, arising out of or related to any contract entered into by the LPA for the work to be performed by the Contractor on this PROJECT (the AClaim@), may be subrogated to ODOT, and ODOT shall have all of the LPA's rights in and to the Claim and against any other person(s) or entity(ies) against which such subrogation rights may be enforced. The LPA shall immediately notify ODOT in

writing of any Claim. The LPA further authorizes ODOT to sue, compromise, or settle any such Claim. It is the intent of the parties that ODOT be fully substituted for the LPA and subrogated to all of the LPA's rights to recover under such Claim(s). The LPA agrees to cooperate with reasonable requests from ODOT for assistance in pursuing any action on the subrogated Claim including requests for information and/or documents and/or to testify.

- 8.10 After completion of the PROJECT and in accordance with Title 23 United States Code 116 and applicable provisions of the Ohio Revised Code, the LPA shall maintain the PROJECT to design standards and provide adequate maintenance activities for the PROJECT, unless otherwise agreed to by ODOT. The PROJECT must remain under public ownership and authority for 20 years, unless otherwise agreed to by ODOT. If the PROJECT is not being adequately maintained, ODOT shall notify the LPA of any deficiencies and if the maintenance deficiencies are not corrected within a reasonable amount of time, ODOT may determine that the LPA is no longer eligible for future participation in any Federally-funded programs.

9. CERTIFICATION AND RECAPTURE OF FUNDS

- 9.1 This Agreement is subject to the determination by ODOT that sufficient funds have been appropriated by the Ohio General Assembly to the State for the purpose of this Agreement and to the certification of funds by the Office of Budget and Management, as required by Ohio Revised Code section 126.07. If ODOT determines that sufficient funds have not been appropriated for the purpose of this Agreement or if the Office of Budget and Management fails to certify the availability of funds, this Agreement or any renewal thereof will terminate on the date funding expires.

- 9.2 Unless otherwise directed by ODOT, if for any reason the PROJECT is not completed in its entirety or to a degree acceptable to ODOT and FHWA, the LPA shall repay to ODOT an amount equal to the total funds ODOT disbursed on behalf of the PROJECT. In turn, ODOT shall reimburse FHWA an amount equal to the total sum of Federal dollars it had received for the PROJECT. If the LPA has not repaid ODOT in full an amount equal to the total funds ODOT disbursed on behalf of the project, any funds recovered from the performance and payment bond as required under section 7.7 shall be used to offset the Federal dollars reimbursed to FHWA.

10. NONDISCRIMINATION

- 10.1 In carrying out this Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, ancestry, age, disability as that term is defined in the American with Disabilities Act, military status (past, present, or future), or genetic information. The LPA shall ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.
- 10.2 The LPA agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, and in all solicitations or advertisements for employees placed by it, state that all qualified applicants shall receive consideration for employment without regard to race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. The LPA shall incorporate this nondiscrimination requirement within all of its contracts for any of the work on the PROJECT (other than subcontracts for standard commercial supplies or raw materials) and shall require all of its contractors to incorporate such requirements in all subcontracts for any part of such PROJECT work.

10.3 For any project in which the Engineer's Estimate exceeds \$500,000, the LPA shall ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, will have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement. To meet this requirement, subcontractors who claim to be DBEs must be certified by ODOT. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

- Disadvantaged Business (DBE) Requirement. DBE participation goals (subcontracts, materials, supplies) have been set on this project for those certified as DBEs pursuant to Title 23, U.S.C. section 140(c) and 49 CFR, Part 26, and where applicable qualified to bid with ODOT under Chapter 5525 of the Ohio Revised Code.

WAIVER PROCESS FOR DBE GOALS

In the event the Contractor is unable to meet the DBE Goal placed on this project, a request for waiver of all or part of the goal may be made to the Ohio Department of Transportation through the LPA. The Contractor must document the progress and efforts being made in securing the services of DBE subcontractors. In the event the Contractor is unable to meet the DBE Goal placed on this Local Let project, a request for a waiver of all or part of the goal may be made. The written request must indicate a good faith effort was made to meet the goal and be sent to the LPA contracting authority. The LPA forwards the request with recommended action to the ODOT District. The ODOT District then makes recommendation and forwards the request to Office of Contracts, 1980 West Broad Street, Columbus, Ohio, 43223. There will be no extension of time for the project granted if the Contractor wishes to avail himself of this process. If an item of work subcontracted to a DBE firm is non-performed by LPA or the subject of an approved VECP, the Contractor may request a waiver for the portion of work excluded.

ODOT shall supply the percentage goal to the LPA upon review of the Engineer's Estimate. The LPA must obtain written, signed documentation from the contractor that the DBE goal has been satisfied prior to executing the contract with the contractor. The LPA, in turn, must provide such documentation to ODOT in order for ODOT to encumber the Federal/State funds.

10.4 During the performance of this contract, the LPA, for itself, its assignees and successors in interest (hereinafter referred to as the "LPA") agrees as follows:

(1) **Compliance with Regulations:** The LPA will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (hereinafter "U.S. DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as "ADA/504").

(2) **Nondiscrimination:** The LPA, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The LPA will not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, as well as the ADA/504 regulations.

(3) **Solicitations for Contractors or Subcontractors, including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the LPA for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor, subcontractor, or supplier will be notified by the LPA of the LPA's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

(4) **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE or the Federal Highway Administration (hereinafter "FHWA") to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the LPA under the contract until the LPA complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The LPA will include the provisions of paragraphs (1) through (5) above in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The LPA will take such action with respect to any contractor or subcontractor procurement as the STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the LPA becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or supplier as a result of such direction, the LPA may request the STATE to enter into such litigation to protect the interests of the STATE, and, in addition, the LPA may request the United States to enter into such litigation to protect the interests of the United States.

11. DATA, PATENTS AND COPYRIGHTS - PUBLIC USE

11.1 The LPA shall ensure that any designs, specifications, processes, devices or other intellectual properties specifically devised for the PROJECT by its consultants or contractors performing work become the property of the LPA, and that when requested, such designs, specifications, processes, devices or other intellectual properties shall become available to ODOT and FHWA with an unrestricted right to reproduce, distribute, modify, maintain, and use. The LPA's consultants and contractors shall not seek or obtain copyrights, patents, or other forms of proprietary protection for such designs, specifications, processes, devices or other intellectual properties, and in providing them to the PROJECT shall relinquish any such protections should they exist.

11.2 The LPA shall not allow its consultants or contractors to utilize within the development of the PROJECT any copyrighted, patented or similarly protected design, specification, process, device or other intellectual property unless the consultant or contractor has provided for such use by suitable legal agreement with the owner of such copyright, patent or similar protection. A consultant or contractor making use of such protected items for the PROJECT shall indemnify

and save harmless the LPA and any affected third party from any and all claims of infringement on such protections, including any costs, expenses, and damages which it may be obliged to pay by reason of infringement, at any time during the prosecution or after the completion of work on the PROJECT.

- 11.3 In the case of patented pavements or wearing courses where royalties, licensing and proprietary service charges, exacted or to be exacted by the patentees, are published and certified agreements are filed with the LPA, guaranteeing to prospective bidders free unrestricted use of all such proprietary rights and trademarked goods upon payment of such published charges, such patented pavements or wearing courses may be specifically designated in the proposal and competition secured upon the item exclusive of the patent or proprietary charges.

12. TERMINATION: DEFAULT AND BREACH OF CONTRACT

- 12.1 Neglect or failure of the LPA to comply with any of the terms, conditions, or provisions of this Agreement, including misrepresentation of fact, may be an event of default, unless such failure or neglect are the result of natural disasters, strikes, lockouts, acts of public enemies, insurrections, riots, epidemics, civil disturbances, explosions, orders of any kind of governments of the United States or State of Ohio or any of their departments or political subdivisions, or any other cause not reasonably within the LPA's control. If a default has occurred, ODOT may terminate this agreement with thirty (30) days written notice, except that if ODOT determines that the default can be remedied, then ODOT and the LPA shall proceed in accordance with section 12.3 of this Agreement.
- 12.2 If notified by ODOT in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred, the LPA shall have thirty (30) days from the date of such notification to remedy the default or, if the remedy will take in excess of thirty (30) days to complete, the LPA shall have thirty (30) days to satisfactorily commence a remedy of the causes preventing its compliance and curing the default situation. Expiration of the thirty (30) days and failure by the LPA to remedy, or to satisfactorily commence the remedy of, the default whether payment of funds has been fully or partially made, shall result in ODOT, at its discretion, declining to make any further payments to the LPA, or in the termination of this Agreement by ODOT. If this Agreement is terminated, the LPA may be liable to repay to ODOT all of the Federal funds disbursed to it under this Agreement.
- 12.3 The LPA, upon receiving a notice of termination from ODOT for default, shall cease work on the terminated activities covered under this Agreement. If so requested by ODOT, the LPA shall assign to ODOT all its rights, title, and interest to any contracts it has with any consultants or contractors. Otherwise, the LPA shall terminate all contracts and other agreements it has entered into relating to such covered activities, take all necessary and appropriate steps to limit disbursements and minimize any remaining costs. At the request of ODOT, the LPA may be required to furnish a report describing the status of PROJECT activities as of the date of its receipt of notice of termination, including results accomplished and other matters as ODOT may require.
- 12.4 No remedy herein conferred upon or reserved by ODOT is intended to be exclusive of any other available remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or option accruing to ODOT upon any default by the LPA shall impair any such right or option or shall be construed to be a waiver thereof, but any such right or option may be exercised from time to time and as often as may be deemed expedient by ODOT.

13. THIRD PARTIES AND RESPONSIBILITIES FOR CLAIMS

13.1 Nothing in this Agreement shall be construed as conferring any legal rights, privileges, or immunities, or imposing any legal duties or obligations, on any person or persons other than the parties named in this Agreement, whether such rights, privileges, immunities, duties, or obligations be regarded as contractual, equitable, or beneficial in nature as to such other person or persons. Nothing in this Agreement shall be construed as creating any legal relations between the Director and any person performing services or supplying any equipment, materials, goods, or supplies for the PROJECT sufficient to impose upon the Director any of the obligations specified in section 126.30 of the Revised Code.

13.2 The LPA hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the actionable negligence of its officers, employees or agents in the performance of the LPA's obligations made or agreed to herein.

14. NOTICE

14.1 Notice under this Agreement shall be directed as follows:

If to the LPA:

Todd Roth, P.E., P.S.
City of Sandusky, Traffic Engineer
222 Meigs Street
Sandusky, Ohio 44870

If to ODOT:

Steve Shepherd
ODOT, District Three, LPA Coordinator
906 North Clark Street
Ashland, Ohio 44805

15. GENERAL PROVISIONS

15.1 *Audit Requirements:* The LPA shall comply with the audit requirements of 49 CFR Part 18.26 (Federal Single Audit Act) for any and all projects with a total cost of \$500,000 or more.

15.2 *Record Retention:* The LPA, when requested at reasonable times and in a reasonable manner, shall make available to the agents, officers, and auditors of ODOT and the United States government, its books, documents, and records relating to the LPA's obligations under this Agreement. All such books, documents, and records shall be kept for a period of at least three years after FHWA approves the LPA's final Federal voucher for reimbursement of PROJECT expenses. In the event that an audit-related dispute should arise during this retention period, any such books, documents, and records that are related to the disputed matter shall be preserved for the term of that dispute. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

As the LPA, ODOT or the United States government may legitimately request from time to time, the contractor agrees to make available for inspection and/or reproduction by the LPA, ODOT or United States government, all records, books, and documents of every kind and description that relate to this contract.

Nothing contained in this Agreement shall in any way modify the LPA's legal duties and obligations to maintain and/or retain its records under Ohio public records laws.

15.3 *Ohio Ethics Laws:* LPA agrees that it they are currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

- 15.4 [Conditional] *State Property Drug-Free Workplace Compliance:* In accordance with applicable State and Federal laws, rules, and policy, the LPA shall make a good faith effort to ensure that its employees and its contractors will not purchase, transfer, use, or possess alcohol or a controlled substance while working on State property.
- 15.5 *Governing Law:* This Agreement and any claims arising out of this Agreement shall be governed by the laws of the State of Ohio. Any provision of this Agreement prohibited by the laws of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this Agreement or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that ODOT is a party to any litigation arising out of or relating in any way to this Agreement or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
- 15.6 *Assignment:* Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
- 15.7 *Merger and Modification:* This Agreement and its attachments constitute the entire Agreement between the parties. All prior discussions and understandings between the parties are superseded by this Agreement. Unless otherwise noted herein, this Agreement shall not be altered, modified, or amended except by a written agreement signed by both parties hereto.
- 15.8 *Severability:* If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or the ability to enforce the remainder of this Agreement. All provisions of this Agreement shall be deemed severable.
- 15.9 *Signatures:* Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: _____

**STATE OF OHIO
OHIO DEPARTMENT OF TRANSPORTATION**

By: _____

By: _____
Jerry Wray
Director

Title: _____

Date: _____

Date: _____

Attachment 1

PROJECT BUDGET – SOURCES AND USES OF FUNDS

USES	SOURCES	LPA FUNDS			FHWA FUNDS			STATE FUNDS			TOTAL
		Amount	%	SAC	Amount	%	SAC	Amount	%	SAC	
	PRELIMINARY DEVELOPMENT		100	LNTP	N/A			N/A			
	FINAL DESIGN, CONSTRUCTION PLANS & SPECIFICATIONS		100	LNTP	N/A			N/A			
	ACQUISITION OF RIGHT OF WAY & UTILITY RELOCATION		100	LNTP	N/A			N/A			
	PROJECT CONSTRUCTION COSTS	\$360,000.00	20	LNTP	\$1,440,000.00	80	4TA7	N/A			\$1,800,000.00
	INSPECTION	\$40,000.00	20	LNTP	\$160,000.00	80	4TA7	N/A			\$200,000.00
	TOTALS	\$400,000.00			\$1,600,000.00						\$2,000,000.00

Attachment 2

ERI – CAMP STREET
UNDERPASS
COUNTY-ROUTE-SECTION

82672
PID NUMBER

14985
AGREEMENT NUMBER

DIRECT PAYMENT OF CONTRACTOR

At the direction of the LPA and upon approval of ODOT, payments for work performed under the terms of the Agreement by the LPA's contractor shall be paid directly to the contractor in the prorata share of Federal/State participation. The invoice package shall be prepared by the LPA as previously defined in this agreement, and shall indicate that the payment is to be made to the contractor. In addition, the invoice must state the contractor's name, mailing address and Federal tax ID. Separate invoices shall be submitted for payments that are to be made to the contractor and those that are to be made to the LPA.

We the City of Sandusky request that all payments for the Federal/State share of the construction costs of this agreement performed by (CONTRACTOR'S NAME) be paid directly to (CONTRACTOR'S NAME) .

Contractor Name:
Oaks Vendor ID:
Mailing Address:

LPA signature

LPA Name:
Oaks Vendor ID:
Mailing Address:

Approved, ODOT signature

DISTRICT THREE, LPA SCOPE OF SERVICES FORM

A. Project Identification

County	Erie	Route	Camp Street	Section	Underpass
Local Route Name:			Camp Street		
Project sponsor / Maintenance responsibility:			City of Sandusky		
Local Let	YES	ODOT Let			
Scope field review:	10-15-07	Scope meeting:	10-15-07		
Highway Functional Classification		Major Collector			
PID	82672				
Fiscal Year	2012	Proposed Sale Date		12/21/11	

Supplemental Information

ADT	7380	Design ADT	8856
DHV	886	Certified Traffic	
T24	133		
Design Speed	40	Legal Speed	35
Comments:	Count Data taken within underpass in July of 2004.		

B. Design Standard

ODOT Current CMS

If not ODOT, Local must submit to ODOT for review and approval. Include an attachment to scope of services

C. Project Description

Purpose and Need:	The purpose of this project is to bring several items up to modern design standards and make the underpass more accessible for pedestrians overall. Aesthetics will also serve a large role in the project, as this underpass sees nearly 8000 vehicles per day.		
Project Description:	To repair upper and lower retaining walls, improve drainage of the area, make the sidewalks ADA accessible, mill and pave roadway to improve the vertical curve thru the underpass. Install crash-approved hand railing, and improve lighting in the underpass area. Relocate the force main below grade to allow for handicap access along both sidewalks under the underpass.		
Prior studies / plan (identify):			
Estimated Project Length: (begin pavement to end pavement including bridge)	900'		
Work Length: (including project length & approach work)	1200' - including tapers for workzone/lane closure(s)		
Alignment:	Existing	YES	Relocated
Remarks:			
Profile:	Existing	YES	New
Logical Termini: (w/explanation)	JUST NORTH OF FILMORE STREET AND TAYLOR STREET SOUTH CURBLINE, BOTH INTERSECT WHERE UNDERPASS MEETS ELEVATED ROAD GRADE.		
SIDE ROADS:	Yes	No	X
General Description of Work:			
Alignment of Cross Road:	New	Combination	Existing X
Remarks:			
Profile of Cross Road:	New	Combination	Salvage X
Remarks:			
Roadway Studies Required:	Yes	No	X
Remarks:			
Bikeways:	Yes	No	X

Comments:	
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Aesthetics:	Yes	<input checked="" type="checkbox"/>	No	
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Comments:	Staining and stamping of concrete walks and walls, new lighting, painting of most visible steel structure.
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D. Typical Sections

Existing: 2- Lane Roadway

Width:	Pavement	36'	Graded Shoulder	n/a	Treated Shoulder	n/a
R/W	60'					
Bridge:	face to face of rails		124'	or toe to toe of parapets		180'
Curbs	Yes	<input checked="" type="checkbox"/>	No			
Curb ramps	Yes	<input checked="" type="checkbox"/>	No			
Sidewalks	Yes	<input checked="" type="checkbox"/>	No	Comment	Currently very narrow	
Guardrail	Yes		No	<input checked="" type="checkbox"/>	Type	

Signals:	Yes		No	<input checked="" type="checkbox"/>
Warrants:	N/A			
Number of Intersections:				
Names of Intersections:				
Comments:				

Turn Lanes:	Yes		No	<input checked="" type="checkbox"/>
Warrants:	N/A			
Number of Intersections:				
Names of Intersections:				
Comments:				

Proposed:

Width:	Pavement	36'	Graded Shoulder	N/A	Treated Shoulder	N/A
Bridge	face to face of rails		or toe to toe of parapets		180'	
Median:	Yes		No	<input checked="" type="checkbox"/>	Type	

Curbs:	Yes		No	X	Type	Salvage existing (if possible) after milling and paving.
Curb ramps:	Yes	X	No			
Sidewalks	Yes	X	No		Comment	Stamped & widened to meet ADA
Guardrail	Yes		No	X	Type	

Signals:	Yes		No	X
Warrants:	N/A			
Number of Intersections:				
Names of Intersections:				
Comments:				

Turn Lanes:	Yes		No	X
Warrants:	N/A			
Number of Intersections:				
Names of Intersections:				
Comments:				

E. Right-of-Way

Right-of-Way Plan:	Yes	<input checked="" type="checkbox"/>	No	To be done by consultant - TranSystems		
Approximate Number of Parcels:	<i>To be determined</i>					
Known relocations:	Yes		No	<input checked="" type="checkbox"/>		
Encroachments:	Yes		No	<input checked="" type="checkbox"/>		
Railroad Involvement:	Yes	<input checked="" type="checkbox"/>	No	Agreement to be filed by consultant		
Railroad Name:	Norfolk Southern					
Encroachments:	Possibly					
Airway Highway Clearance:	Yes		No	<input checked="" type="checkbox"/>	Remarks	
Airport Name	N/A					
Comments:	TranSystems to perform R/W plan and complete RR agreement					

Note: Provide a footprint of proposed and existing right of way limits as soon as available to District Env. Coordinator and District Real Estate Administrator.
 Caution: Environmental needs to be clear prior to the beginning of right of way acquisition. A Local, utilizing their own monies, assumes many risks by proceeding with acquisition prior to environmental being cleared. These risks include purchasing r/w that may never be used for the project and purchasing a site that contains the need for a hazardous waste cleanup.

F. Utilities

Aerial:

Phone	Yes		No		Name of Company	
Cablevision	Yes	X	No		Name of Company	Buckeye Cable
Power	Yes	X	No		Name of Company	Ohio Edison

Buried:

Phone	Yes	X	No		Name of Company	SBC
Cablevision	Yes	X	No		Name of Company	Buckeye Cable
Power	Yes	X	No		Name of Company	Ohio Edison
Gas	Yes	X	No		Name of Company	Columbia Gas
Pipelines:	Yes		No	X	Name of Company	
Water	Yes		No	X	Private	Public X
Sanitary Sewer	Yes	X	No		Private	Public X
Storm Sewer	Yes	X	No		Private	Public X
Other	Railroad Signal Fiber optic cables buried in ballast along North set of tracks.					
Comments	Water and Sewers are City of Sandusky owned/maintained. Anticipate relocating combined sewer from force main along the East side of the underpass.					

The Consultant is to locate and identify all existing and foreseeable future utilities (public or private; on or over the project limits) in accordance with Section 153.64 of the Ohio Revised Code. To locate existing utilities, the Consultant shall contact the following One-Call centers and provide the District 3 Utilities Coordinator with the appropriate reference numbers:

Oho Utilities Protection Service: 1-800-362-2764
Oil and Gas Producers Underground Protection Services: 1-800-925-0988

A listing of all utility companies within the project limits shall be included in the Stage 2 submittal. This listing must include all underground, aerial, private and public (City or County owned) facilities. The Consultant shall contact the District 3 Utilities Coordinator for the correct addresses, telephone numbers and company contacts.

Stage 2 plan submittals must include all underground utilities on the Plan/Profile and appropriate Cross Section Sheets. Preliminary cross sections must be included to show the effect of the proposed construction on all existing utilities. Aerial and underground utility relocations may require additional right of way beyond the existing right of way limits. These existing utilities, proposed utility relocations and approximate right of way needs must be reflected in the Conceptual Right of Way Plan.

The Consultant will submit a complete full size copy of the Stage 1, Stage 2, Stage 3 and Final plans to all affected utility companies at the time submittals are sent to District 3. The Consultant will submit a copy of plans and/or details in electronic form, as well as prints, to the utility companies located within the project limits, as directed by the District 3 Utility Coordinator. **The Consultant shall copy the District 3 Utility Coordinator on all correspondence sent to or received from the utility companies.**

The Consultant will follow procedures for all utility relocation as per ODOT's Utilities Manual and the Ohio Revised Code.

Submittals lacking any of the required information or deviating from the above process will be returned without review.

G Structure Requirements Yes No

Existing Structure information:

Structure type:	Norfolk Southern Railroad Bridge				
Sufficiency Rating:	N/A	General Appraisal		Bridge No.	
Structure File No.		Crossing			
Bridge O/A length:	52'				
Number of Spans	3				
Eligible for the National Historical Register	Yes		No	X	

Proposed Structure:

New Structure:	Yes		No	X	
Rehabilitate Existing Bridge	By:	Possibly painting the facia of the steel beams.			
Project Length (Including Bridge):	900'				
Alignment:	Existing	X	Relocated		
Profile:	Existing	X	Relocated		Feathered:
Structure width:		Structure type:			
Number of spans:					
Beam Type:	Concrete Box		Steel		
Other Design Considerations / Explanation of Change in Line/Grade:					

Roadway Width:	36'
Guardrail Type:	N/A

Fence:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Height/Configuration:	42" Ameristar Fencing
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Sidewalks:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Width:	Approx. 6'
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Subsurface Investigation:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Soil Profile:	
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H. Design Exception(s) required

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Possible	<input checked="" type="checkbox"/>
Explain:	Maybe a vertical curve exception needed as with Hayes Ave. underpass, won't know for sure until survey is complete.				

I. Traffic Control *THAT IS FOR PERMANENT TRAFFIC CONTROL, NOT DURING CONSTRUCTION. (MLC)*

Signing:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Remarks	Workzone, per MOT plans
Striping:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Remarks	Temporary paint, per MOT plans
Lighting:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Remarks	
Signals:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Remarks	Possibly, depending on lane restrictions required by construction methodology. Signals have been used successfully for traffic control thru underpasses during construction. One located on each end of the underpass to allow one direction thru at a time.
RPM's:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Remarks	

J. Maintenance of Traffic

Detour		Part Width	Yes
Remarks: (detailed)	Details in MOT plans.		

Maintenance of Pedestrian Traffic:	Yes	<input checked="" type="checkbox"/>	No		Remarks	Will have to close one side at a time, will be addressed in MOT plans.
Maintenance of Railroad Traffic:	Yes	<input checked="" type="checkbox"/>	No		Remarks	

K. Driveways

Yes	<input checked="" type="checkbox"/>	No		Type	Concrete – business and industrial on South side
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L. Project Funding

Method of Funding (Type of Funding)	\$5 License fee, Sewer Fund, ECRP (4TA7)			
Project Cost Estimate	\$1,327,446.00 (rounded to nearest dollar)			
Quantity splits needed in plans to differentiate funding participation:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Comments:				
Coordination with Concurrent Projects Required:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Comments:	Concrete form-liner (stamp) will likely be re-used from Hayes Ave. underpass			

Cost Estimates:

	Total Federal Funds/Percent Split		Total Local Funds/Percent Split	
PE		0	\$26,549	100
RIGHT OF WAY	0	80	0	20
UTILITIES	0	80	0	20
CONSTRUCTION	\$981,331	80	\$218,783	20
CONST ENGINEERING	\$80,626	80	\$20,157	20
TOTAL	\$1,061,957		\$265,489	

M. Environmental

Scope of the Proposed Action - Studies and Documentation Required:				
<p>These are actions and/or items the District Environmental Staff deem necessary to address as part of the LPA project environmental documentation. This form is not all inclusive, and more items may be required upon initiation of agency coordination, field studies and overall project development.</p> <p>Information regarding these studies or other environmental categories can be found in ODOT's <i>Categorical Exclusion Handbook</i>, which can be found at: www.dot.state.oh.us/oes.</p>				
	Not required	Required	Responsibility	Due Date
Tentative CE Level <u> 1 </u>		X	City	
Purpose and Need Statement		X	City	
Alternatives Analysis		X	City	
Cultural Resource – Programmatic Agreement		X	ODOT	
Cultural Resource - Phase I		X	City (if needed)	
Cultural Resource - Phase II	X			
Archeology Data Recovery	X			
Cultural Resources - Section 4(f)		X	City (if needed)	
Documentation for Consultation / Memorandum of Agreement	X			
Section 4(f)/6(f) - Park/Recreation/Refuges	X			
Ecological Memorandum of Agreement	X			
Ecological Survey - Level 1	X			
Ecological Survey – Level 2	X			
Section 9/Section 10 Navigable Waters	X			
404 NWP-Army Corps of Engineers		X		
404 PCN-Army Corps of Engineers		X		
404 Individual Permit - Army Corps of Engineers		X		
Wetland/Stream Mitigation		X		
401 Water Quality Certification – Ohio EPA		X		
Isolated Wetland Permit – Ohio EPA		X		
ODNR Coastal Zone Consistency		X		

Scenic River Coordination	X		
Drinking Water Resources	X		
Floodplain Coordination/Permit		X	City (if needed)
Farmland Screening or FCIR		X	City
Public Involvement		X	City
Public Meeting/Hearing	X		
ESA - Screening		X	City
ESA - Phase I		X	City (if needed)
ESA - Phase II		X	City (if needed)
ESA - Remediation		X	City (if needed)
Environmental Justice	X		
Noise Analysis	X		
Air Quality Conformity	X		

Asbestos Inspection Required: Yes X No _____

Comment: Passed inspection by Affiliated Environmental in October 2007, all testing was negative for asbestos, insulation in question was determined to be old fiberglass. Paint also tested negative on the structure.

Any Known Environmental Concerns (ex. historic properties on National Register, wetlands, underground storage tanks, stream relocation):

Paint is currently being tested for lead on the steel structure.

N. Roles / Responsibilities

Construction plan development:	ODOT Prequalified Consultant
Proposal/Specification Development:	City of Sandusky/TranSystems
LPA Agreement:	ODOT
Form and preliminary legislation:	ODOT
Advertising and award of contract:	City of Sandusky
Construction inspection:	City of Sandusky
R/W plan development:	ODOT Prequalified Consultant
R/W acquisition / appraisals:	ODOT Prequalified Consultant
Utility relocation:	Sewer – contractor with approval from City. *Possible underground - Utility owners, won't know until survey and proposed plan sheets are developed.

O. Field Review

Date: 10-15-07

REPRESENTATIVES PRESENT:

Name	Company	Phone	E-mail
Josh Snyder	City of Sandusky	419-627-5934	jsnyder@ci.sansusky.oh.us
Beth Fulton	TranSystems	216-861-1780	eafulton@transystems.com
David Baraty	ODOT	419-207-7052	David.baraty@dot.state.oh.us
Jim Short	ODOT	419-207-7111	Jim.short@dot.state.oh.us
Mac Vance	ODOT	419-207-7055	Mac.vance@dot.state.oh.us
Steve Shepherd	ODOT	419-207-7176	Steve.shepherd@dot.state.oh.us

Other Design Considerations / Comments from the field review:
Retaining Walls for sidewalks??
Types of lighting
Asbestos on sewer & existing fence
Existing pump house on NE corner
Hisers (Transmission shop) real property at project
Lead in paint on structural steel

P. COMMITMENT DATES	ODOT-let	Local-let	Reservoir
ACTIVITY	START DATE		COMPLETION DATE
Authorized Design Consultant	10-15-07		7-2-08
Stage 1 Review	11-4-09		12-16-09
Environmental Document Approved	7-2-08		8-11-10
Stage 2 Review	6-23-10		8-11-10
R/W Plans Approved/Not Required	12-16-09		8-11-10
Stage 3 Review	2-2-11		3-16-11
Local certifies R/W and utility clearance to Dist.	8-11-10		8-17-11
Local submits PS&E package to District	6-15-11		8-17-11
District certifies R/W and Utility Clearance	8-18-11		9-14-11
District Environmental Clearance Form	8-18-11		9-14-11
Plan Package to C. O.	8-18-11		9-14-11
Award Date	11-23-11		12-21-11
Local submits bid results to District	12-22-11		1-15-12
Estimated Begin/End Construction	4-4-12		10-31-12

Schedule Explanation: Authorization to Proceed Start Date is the date that the District submits the programming package to Central Office. Finish Date for said activity is when a state job number has been established. Start Date for Environmental Clearance is normally the same as the date the project has been programmed. Start Date for Stage 2 Review is the date of submission to the District of the preliminary R/W plans. Finished date for said activity is when comments are returned to the LPA. Start Date for R/W Plan Approved is when the District has received final R/W plans and associated documents. Finish Date for said activity is when the District has approved said plans and associated documents. Start Date for R/W and Utility Clearance is the date that the LPA is authorized to begin acquisition. Finish date for said activity is when the District certifies clearance to FHWA. The LPA should certify R/W and Utility Clearance to the District one month before the R/W and Utility Clearance Finish Date. Start Date for Plan Package to C. O. is the date that the PS&E package leaves the District and the finish date is the day it is logged in at Central Office. One should allow forty-five days from Plan Package to C.O. for PS&E approval and project advertising before the Sale Date. Advertising needs to be three weeks minimum and cannot start until PS&E approval is obtained. Start date for the Award Date is the Sale Date of the project. And the Finish Date for the Award Date is the date the project was awarded. Summary of bid tabs and the identity of the awarded contractor shall be submitted to ODOT no later than one week after the award.

Project Schedule Approval:

Environmental Coordinator	<i>[Signature]</i> 11/5/07	Real Estate Admin.	<i>[Signature]</i> 11-5-07
Program Manager	<i>[Signature]</i> 11/2/07	Project Manager	<i>[Signature]</i> 1-18-08
Production Administrator	Valerie J. Filmer, 11/29/07		