

ORDINANCE NO. 2023-007

AN ORDINANCE AUTHORIZING THE MAYOR, SERVICE-SAFETY DIRECTOR, AND/OR CITY ENGINEER OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A REAL ESTATE ACQUISITION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF RIGHT-OF-WAY EASEMENTS FOR THE I-75/CR 99 DIVERGING DIAMOND PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Findlay, Ohio desires to enter into a Real Estate Acquisition Agreement with the Ohio Department of Transportation (ODOT) for the purchase of right-of-way easements (as described in the attached Real Estate Acquisition Agreement, hereinafter referred to as Exhibit A) as part of the I-75/CR 99 Diverging Diamond Project, and;

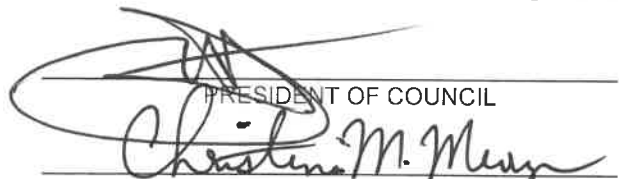
WHEREAS, said Agreement authorizes ODOT to purchase said right-of-way easements on behalf of the City of Findlay, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Mayor, Service-Safety Director, and/or City Engineer of the City of Findlay, Ohio be and they are hereby authorized to enter into a Real Estate Acquisition Agreement with the Ohio Department of Transportation for the acquisition of said right-of-way easements at no cost to the City of Findlay, Ohio, thus Ohio Department of Transportation will incur all costs for the negotiation and acquisition of the property.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to authorize said agreement for the acquisition of the aforementioned right-of-way easements so that access to the Diverging Diamond Project may take place.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.



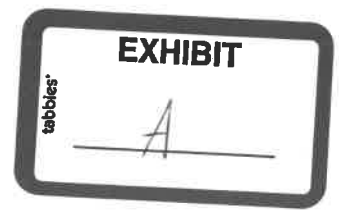
PRESIDENT OF COUNCIL
Christene M. Meyer

MAYOR

PASSED January 3, 2023

ATTEST Denise DeVore
CLERK OF COUNCIL

APPROVED January 3, 2023



REAL ESTATE ACQUISITION AGREEMENT

Acquisition of Property by Negotiation and / or Appropriation

CRS: HAN-I75/CR 99-Interchange Rehab

PID: 102375

Facilities: *County Road 99, including improvements at associated intersections*

THIS AGREEMENT, made this _____ day of January, 2023 between the State of Ohio, acting by and through the Director of Transportation of the State of Ohio, hereinafter, referred to as STATE, and the City of Findlay, Ohio, a municipal corporation, hereinafter referred to as the CITY.

WITNESSETH:

WHEREAS, the STATE proposes to improve *Interstate I75/CR 99* in *Hancock County*, said project being known as *HAN-I75/CR 99-Interchange Rehab*, described as follows:

RECONSTRUCT THE INTERCHANGE OF IR 75 AT CR 99 FROM AN EXISTING DIAMOND INTERCHANGE TO A DIVERGING DIAMOND INTERCHANGE. PROJECT INCLUDES THE RECONSTRUCTION OR WIDENING OF THE EXISTING RAMPS AND WIDENING OF CR 99 FROM TECHNOLOGY DRIVE TO MAIN STREET INCLUDING STORM SEWER UPGRADES FROM MAIN STREET TO THE OUTFALL AT HOWARD RUN PROPOSED WORK INCLUDES, SIDEWALK AND SHARED USE PATH, PAVEMENT WIDENING AND FULL DEPTH REPLACEMENT OF ASPHALT AND CONCRETE PAVEMENG NEW BRIDGE CONSTRUCTION, EXISTING BRIDGE WIDENING, DRAINAGE, EROSION CONTROL, TRAFFIC SIGNALS, TRAFFIC CONTROL, AND LIGHTING.

WHEREAS, the CITY is generally responsible for maintenance of County Road 99 and appurtenant intersections of local street; and

WHEREAS, construction of the project will require acquisition of additional right of way or easement interests for the adjustment of existing roadway facilities, including additional right of way in the name of and for the use by the CITY; and

WHEREAS, under Ohio Revised Code Section 5501.31, when in connection with a state highway improvement, ODOT is obligated to acquire lands under an agreement with a political subdivision owning transportation facilities for the readjustment, relocation or improvement of the facilities of the political subdivision, ODOT may acquire fee simple title or an easement, by purchase or appropriation, in the name of the political subdivision or acquire in the name of the State and convey to the political subdivisions for which the land was acquired; and

WHEREAS, the parties agree that it is practical and expedient for the STATE to acquire certain areas of right of way by negotiation or appropriation in the name of the CITY or its successor or assign necessary for construction of the proposed improvements under the HAN-I75/CR 99 Interchange project plans.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter stipulated to be kept and performed, it is agreed between the parties as follows:

The CITY agrees that the STATE may acquire such lands by negotiation or appropriation in the name of and for the use by the CITY for the construction of improvements under ODOT HAN I75/CR 99 interchange rehabilitation project as designated on the right of way plans. The CITY further agrees to cooperate with the STATE in reviewing and approving all descriptions, plats, plans and information necessary for the STATE to perform such acquisition.

Upon finalization of the required plats, descriptions and information, the STATE agrees to acquire such lands or property interests necessary for the construction of the improvements to County Road 99 and appurtenant intersections and storm water drainage facilities as part of ODOT's above-mentioned highway improvement project together with the right to construct said improvements to conform to the project mentioned herein. The lands or property interests mentioned herein shall be acquired by the STATE for the CITY under the provisions of Chapter 5501.31 of the Revised Code of Ohio.

The STATE shall pay the costs and expenses for the acquisition of such lands that it has acquired hereunder for the CITY, unless otherwise agreed to in writing between the parties for the CITY to cooperate in such costs and expenses.

IN WITNESS WHEREOF, the parties hereunto have caused this agreement to be duly executed in duplicate as of the day and year first above written.

THE STATE OF OHIO

Date _____

By _____
Jack Marchbanks, Ph.D.
Director of Transportation

CITY OF FINDLAY, OHIO

Date _____

By _____