



OHIO DEPARTMENT OF TRANSPORTATION
Mike DeWine, Governor

Jack Marchbanks, Ph.D., Director

District 5

9600 Jacksontown Rd., Jacksontown, OH 43030

740-323-4400

transportation.ohio.gov

April 28, 2022

Village Administrator
Village of Kirkersville
Kirkersville City Hall, PO PO Box 22
Kirkersville, Ohio 43033

Re: Consent Legislation for LIC US 40 13.15, PID 110416

Dear Mayor Ashcraft:

The Ohio Department of Transportation has determined that Consent Legislation is required for the following proposed actions:

Resurfacing and related work on a portion of US 40 in the Village of Kirkersville on Main Street (US 40) from the eastern Corp Line at Cemetery Road to the western Corp Line just east of where US 40 becomes a divided highway. (See location map on Page 3 of the Legislation

Since the proposed actions will be associated with the Village of Kirkersville, please find attached one (1) Consent Legislation document. Please review this document, and if it meets your approval, please submit to the Village of Kirkersville for execution.

After the Consent Legislation has been executed, please return one electronic copy of this document containing the required signatures by return email to this office by 5/31/2022 for completion. If further information is required, please contact Joe Broschart at (740) 323-5187 or by email at Joseph.Broschart@dot.ohio.gov.

Respectfully,

Joe Broschart
District 5 Capital Programs Ellis Coordinator

Attachment (1)

cc: File

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance #: _04-2022

LIC US 40 13.15

The following is an Ordinance enacted by the Village of Kirkersville of Licking County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the Ohio Department of Transportation (ODOT) has determined the need for the described project:

Resurfacing and related work on a portion of US 40 in the Village of Kirkersville on Main Street (US 40) from the eastern Corp Line at Cemetery Road to the western Corp Line just east of where US 40 becomes a divided highway. (See location map on Page 3 of the Legislation

NOW THEREFORE, be it ordained by the Village of Kirkersville of Licking County, Ohio.

SECTION II – Consent Statement

Resurfacing and related work on a portion of US 40 in the Village of Kirkersville on Main Street (US 40) from the eastern Corp Line at Cemetery Road to the western Corp Line just east of where US 40 becomes a divided highway. (See location map on Page 3 of the Legislation

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION II – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project as follows:

1. The LPA gives consent for the above improvement, and
2. The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV – Utilities and Right-of-Way Statement

If village owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the village will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

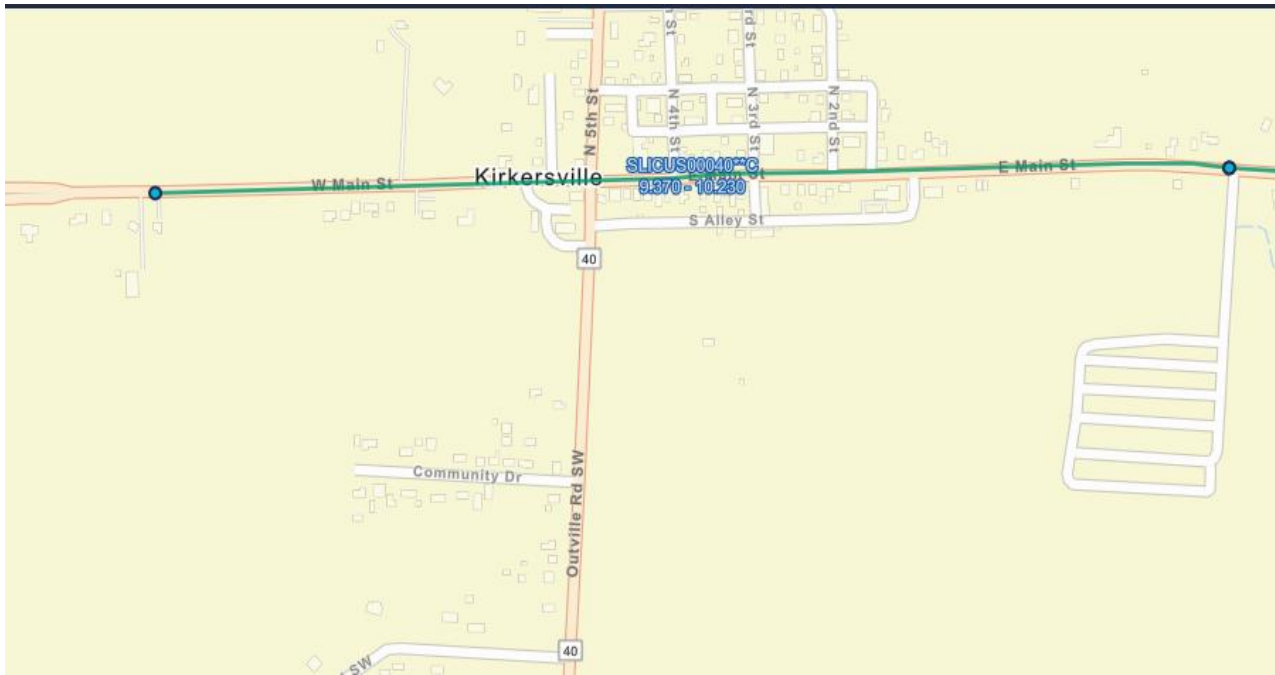
SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI Authority to Sign

The LPA hereby authorizes, the Mayor and Fiscal Officer of the Village of Kirkersville are hereby empowered on behalf of the Village of Kirkersville to enter into agreements with the Director of Transportation which are necessary to complete the above described project.

SECTION VII Location Map



**CERTIFICATE OF COPY
STATE OF OHIO**

Village of Kirkersville of Licking County, Ohio

I, Shirley A Roskoski, as Clerk of the Village of Kirkersville of Licking County, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance 04-2022 as adopted by the legislative Authority of the said Village of Kirkersville on the fourth day of May, 2022

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 20____.

(Clerk)

(SEAL)

Village of Kirkersville of Licking County, Ohio

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

Attested: _____ Date _____
(Village of Kirkersville)

.....
For the State of Ohio
Attested: _____ Date _____
(Director, Ohio Department of Transportation)

SECTION VIII-Emergency measure

If required, is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 5, 2022
(Date)

Attested: Shirley A Roskoski
(Clerk)

(Contractual Agent of LPA – title)

