

BOARD OF TRUSTEES
KARL B. SCHULTZ
KENDAL A. TRACY
MARY MAKLEY WOLFF



ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE / EMS
248-3700
PARKS / RECREATION
248-3727

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
JEFFREY A. WRIGHT

MIAMI TOWNSHIP
6101 MEIJER DRIVE • MILFORD, OH 45150-2189

RESOLUTION 2015 - 72

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on December 15, 2015 with the following members present:, Mary Makley Wolff, Karl Schultz and Ken Tracy.

MR. TRACY made a motion to adopt the following Resolution:

AGREEING TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO MEET THE PUBLIC INTEREST DEMAND FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE RIGHT OF WAY ON PART OF STATE ROUTE 28

WHEREAS, the public interest demands the construction of a sidewalk within the right of way on part of State Route 28 in the Township of Miami, County of Clermont, State of Ohio, and described as follows: installation of approximately 41 linear feet of a five-foot wide pedestrian sidewalk within the right of way of State Route 28, on the southerly side of State Route 28 and generally east of the intersection of Branch Hill Guinea Pike, and as labeled "subject sidewalk span" on Attachment "A" hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio as follows:

SECTION 1: Under the provision of the Ohio Revised Code, cooperate with the Ohio Department of Transportation ("ODOT"), also hereinafter referred to as the "State", in said improvement in the following ways and extent:

It is recognized by the ODOT that units of government embrace the policy of providing public sidewalks along some thoroughfares in their domain. It is further recognized as the policy of ODOT not to construct sidewalks in its right of way except when the unit of government involved will release the State and its authorized agents from any damages or claims of damages from this project and will accept and assume the responsibility for the maintenance, repair and replacement of said sidewalks at such time as either is required by law; then ODOT will permit the Township Trustees to install said sidewalk.

SECTION 2: Release ODOT and its employees and agents from any damages and claims arising out of the construction and use of this sidewalk, in return for permission of ODOT to construct said sidewalk. Furthermore, the Board of Trustees accepts and assumes the responsibility for the maintenance, repair and replacement of said sidewalk at such time as either is required by law. Nothing in this Resolution shall prevent the Township Trustees from permitting the adjoining or nearby property owners to construct and maintain said sidewalk in accordance with the requirements of the Ohio Revised Code, and to release and indemnify the Township and ODOT, and their respective employees and agents, from any damages and claims for damages arising out of the construction and use of the sidewalk.

SECTION 3: Authorize and direct the Township Administrator to take such action as may be necessary to carry out this Resolution.

SECTION 4: This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township for the reason that an emergency situation exists whereby decisions regarding these matters need to be made often with little notice and under changing circumstances as winter weather is approaching.

SECTION 5: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Resolution shall take effect at the earliest period allowed by law.

First Reading:	<u>December 15, 2015</u>
Second Reading:	<u>Dispensed with</u>
Effective:	<u>December 15, 2015</u>

MR. SCHULTZ seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

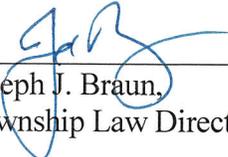
Ms. Wolff	<u>AYE</u>
Mr. Schultz	<u>AYE</u>
Mr. Tracy	<u>AYE</u>

Resolution 2015-72 adopted December 15, 2015

ATTEST:


Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION OF FUNDS

I hereby certify that at the time of making of this certification the amount required to meet the obligations set forth in this Resolution has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.


Eric C. Ferry
Fiscal Officer, Miami Township