

RESOLUTION NO. 05 - 2012

**RESOLUTION AGREEING TO COOPERATE WITH THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO MEET THE PUBLIC
INTEREST DEMAND FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE
RIGHT OF WAY ON PART OF STATE ROUTE 747 WITHIN WEST CHESTER TOWNSHIP**

WHEREAS, the public interest demands the construction of a sidewalk within the right of way on part of State Route 747 situated in the Township of West Chester, County of Butler, State of Ohio, and described as follows: installation of approximately 15 linear feet of pedestrian sidewalk within the right of way of State Route 747; extending east from the intersection of Port Union-Rialto Road and State Route 747; and,

NOW THEREFORE, BE IT RESOLVED, that the West Chester Township Board of Trustees does hereby agree to:

SECTION 1. Under the provision of the Ohio Revised Code, cooperate with the Ohio Department of Transportation, hereinafter referred to as the STATE, in said improvement in the following ways and extent:

It is recognized by the Ohio Department of Transportation 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 the Ohio Department of Transportation 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 the Ohio Department of Transportation will permit the Township Trustees to install said sidewalk.

SECTION 2. Release the Ohio Department of Transportation 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 the Ohio Department of Transportation to construct said sidewalk. Furthermore, the Board of Trustees accept and assume 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 property owner to construct and maintain said sidewalk in accordance with the requirements of the Ohio Revised Code, and to release and indemnify the Township and the Ohio Department of Transportation, 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 these Resolutions.

Adopted this 8th day of May, 2012.

Catherine Stoker
Catherine Stoker, President

YES
Yes / No

Lee Wong
Lee Wong, Vice President

Yes
Yes / No

George L. Lang
George Lang, Trustee

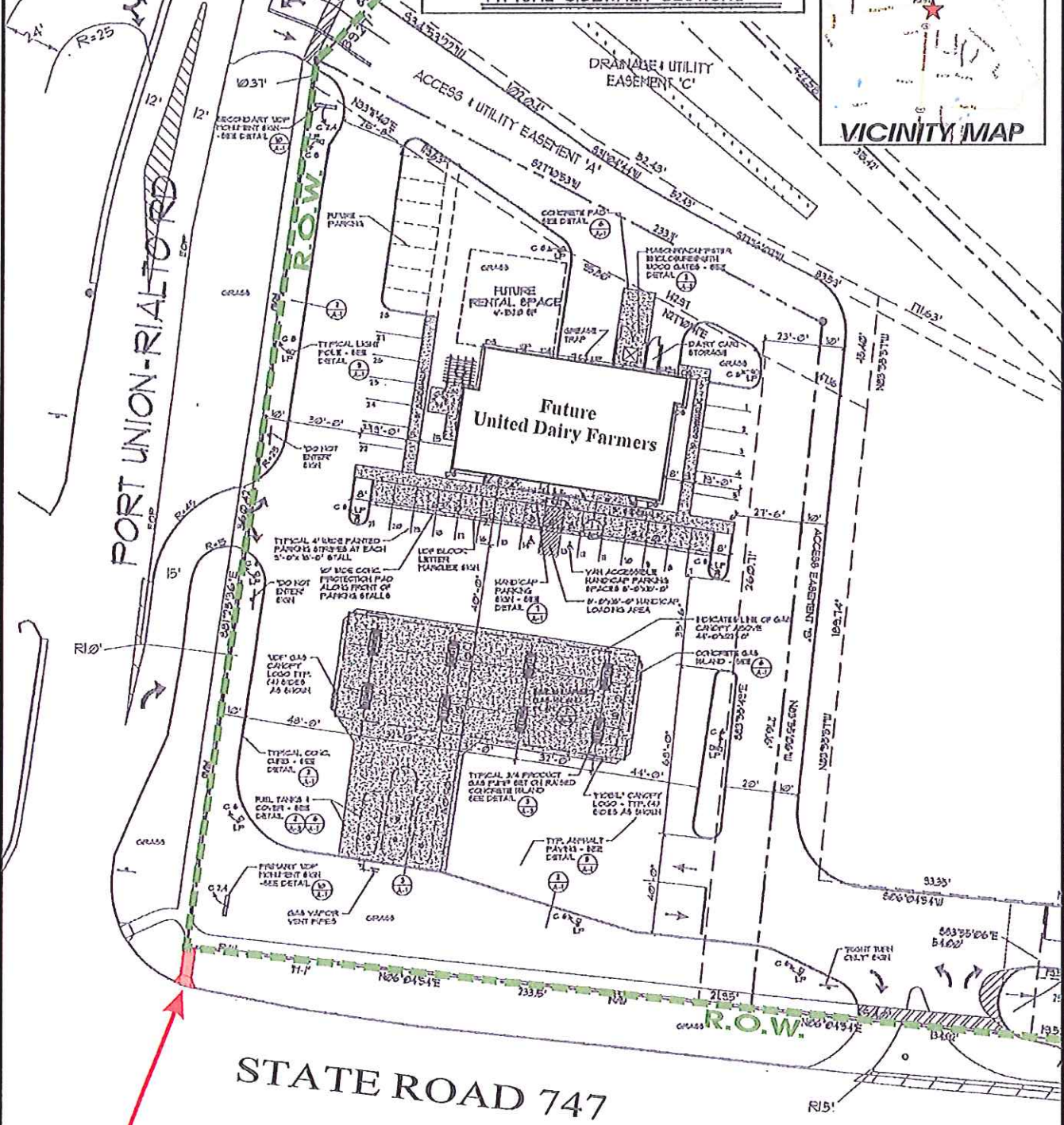
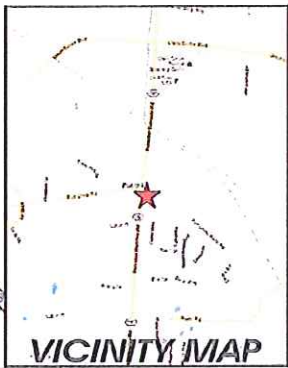
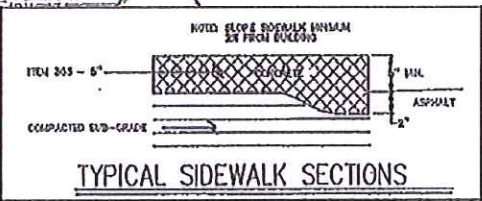
YES
Yes / No

ATTEST:

Bruce Jones
Bruce Jones, Township Fiscal Officer

APPROVED AS TO FORM:

Donald L. Crain
Donald L. Crain, Law Director



15 Linear Feet of 5' Sidewalk to be installed within ODOT right-of-way

