

VILLAGE OF CARROLLTON, OHIO
ORDINANCE NO. 2021-30

AN ORDINANCE APPROVING THE ODOT SR 332 SIDEWALK PROJECT, AND DECLARING IT
AN EMERGENCY

PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY)

**Ordinance/Resolution #:2021-
PID No.: 115242**

**CRS: CAR SR 332 10.40
Agreement No: 36680**

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

SECTION I - Project Description

WHEREAS, the LPA/STATE have determined the need for the described project:

Construction of new sidewalk, ADA facilities, and other associated items on the NW side of SR 332 (Scio Road) to connect existing sidewalk facilities to Carrollton High/Middle School in the Village of Carrollton (approximately 2,000 feet total work length).

NOW, THEREFORE, Be it Ordained by the Council of the Village of Carrollton of Carroll County, Ohio.

SECTION II- Consent Statement

Being in the public interest, the LPA hereby approves the LPA-ODOT-LET Agreement and gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties.

SECTION III- Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to assume and bear the cost of the improvements which exceed the Federal fund maximums for Preliminary Engineering, Right of Way, Construction and Construction Engineering as allocated by the State, which are outlined in the LPA Federal ODOT-Let Project Agreement (No. 36680).

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.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV Authority to Sign

The LPA hereby authorizes Village Administrator (VA), Mark A. Wells, of said Village of Carrollton to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project, and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, VA, Mark A. Wells, is also empowered to execute any appropriate documents to affect the assignment of all rights, title and interests of the Village of Carrollton to ODOT arising from any agreement with its consultant 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.

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – 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 VII - Emergency

This Ordinance is declared an emergency measure necessary to the immediate preservation of the public health, safety and welfare of the residents of the Village of Carrollton, Ohio to ensure the expedited approval of the project and construction of the sidewalk for a safe pedestrian route to school, and shall become effective at the earliest date allowed by law.

Passed the 9th day of August, 2021.

Attest:

/s/ Darla Tipton
Darla Tipton, Clerk-Treasurer
Village of Carrollton, Ohio

/s/ William J. Stoneman
William J. Stoneman, Mayor
Village of Carrollton, Ohio

**CERTIFICATE OF COPY
STATE OF OHIO**

Village of Carrollton of Carroll County, Ohio

I, Darla Tipton, as Clerk-Treasurer of the Village of Carrollton of Carroll County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-30 adopted by the Legislative Authority of the said Village of Carrollton on the 9th day of August, 2021.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 9th day of August, 2021.

SEAL

/s/ Darla Tipton
(Clerk)

Village of Carrollton of Carroll County, Ohio

Published on the Village of Carrollton website

VILLAGE OF CARROLLTON, OHIO

Resolution No. 2021-31

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

AN EMERGENCY RESOLUTION AUTHORIZING the Village Administrator to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the Village of Carrollton, Ohio (herein “Municipality”) is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the Village of Carrollton, Ohio has adopted,

and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council of the Village of Carrollton, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuating earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Council for the Village of Carrollton, Ohio wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”):

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CARROLLTON, OHIO:

Section 1. That Mark Wells, Village Administrator, is authorized to accept and execute the Proposed Settlement on behalf of the Village of Carrollton, Ohio, pursuant to the terms of the OneOhio MOU.

Section 2. That it is found and determined that all formal actions of the Council relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, welfare and safety of the residents of the Village of Carrollton, Ohio. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio within the time deadlines established to participate in the OneOhio Subdivision Settlement, and shall become effective at the earliest date allowed by law.

	Yea	Nay
Locke	<u> x </u>	<u> </u>
Tangler	<u> x </u>	<u> </u>
Yeager	<u> x </u>	<u> </u>
Barto	<u> x </u>	<u> </u>
Parker	<u> x </u>	<u> </u>
Lambert	<u> x </u>	<u> </u>

Passed the 9th day of August, 2021

Attest:

/s/ Darla Tipton
Darla Tipton, Clerk-Treasurer

/s/ William J. Stoneman
William J. Stoneman, Mayor

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