

ORDINANCE NO. 19-07  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer ON THE  
15<sup>th</sup> DAY OF October, 2007.

AN EMERGENCY ORDINANCE RESCINDING ORDINANCE NO. 16-03, PASSED SEPTEMBER 15, 2003, DUE TO A CHANGE BASED UPON FUTURE MAINTENANCE OF THE PROJECT IMPROVEMENTS: ENACTED BY THE CITY OF CENTERVILLE, TO COOPERATE WITH THE STATE OF OHIO, DIRECTOR OF TRANSPORTATION TO ENHANCE THE VISUAL APPEARANCE OF THE INTERSECTION AREA OF INTERSTATE ROUTE 675 AND STATE ROUTE 48. (**MOT-SR48-4.33**)

SECTION I. Project Description

WHEREAS, the City of Centerville has identified the need for the described project: This project proposes to enhance the visual appearance of the interchange area by use of landscape features, decorative fencing and stone walls at the Interstate Route 675 and State Route 48 interchange in Montgomery County, Ohio. Said project further identified as **MOT-SR-48-4.33**.

WHEREAS, the City of Centerville on September 15, 2003 passed Ordinance No. 16-03 for the Project.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION II. Consent Statement

Ordinance No. 16-03 passed September 15, 2003 is hereby rescinded in its entirety.

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

SECTION III. Cooperation Statement

The City of Centerville shall cooperate with the Director of Transportation in the above described project as follows:

The City of Centerville agrees to assume and bear one-hundred 100% of the entire cost

of the improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City of Centerville agrees to assume and bear 100% of the cost of preliminary engineering and right-of-way, excluding in-house preliminary engineering and right-of-way charges incurred by the State.

In addition, the City of Centerville agrees to assume and bear one-hundred percent 100% of the cost of any construction items requested by the City of Centerville on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

#### SECTION IV. Utilities and Right-of-Way Statement

The City of Centerville 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 City of Centerville also understands that right-of-way costs include eligible utility costs.

The City of Centerville agrees that all utility accommodations, relocations and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

#### SECTION V. Maintenance

Upon completion of the Project, and unless otherwise agreed, the City of Centerville 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 such 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. Consultants and Authority to Sign

The City Manager of said City of Centerville is hereby empowered on behalf of the City of Centerville to enter into contracts with ODOT prequalified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above-described project and to maintain these project improvements in the future.

Upon the request of ODOT, the City Manager is also empowered to assign all rights, title, and interest of the City of Centerville 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.

The City of Centerville agrees that if Federal Funds are used to pay the cost of any consultant contract, the City of Centerville shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City of Centerville agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consult contracts. The City of Centerville 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 City of Centerville 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 VII. This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, 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 this 15<sup>th</sup> day of October, 2007.

C. Mark Kungreel

Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James

Clerk of Council, City of Centerville, Ohio

CERTIFICATE OF COPY  
STATE OF OHIO

City of Centerville of Montgomery County, Ohio

I, Debra A. James, as Clerk of the City of Centerville of Montgomery County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance adopted by the Legislative Authority of the said City of Centerville on the 15<sup>th</sup> day of October, 2007, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such

Record of  
\*Ordinances

Ordinance has been taken; and that such Ordinance and certificate of publication thereof are of record in Book 21, Page     .

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 15th day of October, 2007.

Debra A. Jamis  
Clerk of Council  
City of Centerville, Ohio

SEAL

The foregoing is accepted as a basis for proceeding with the project herein described for the City of Centerville, Ohio.

Attest: Carol A. Lingo  
Date 10/16/07

[Signature]  
City Manager

Approved as to form, consistency  
with the Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney