

ORDINANCE NO. 25-96
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J.V. STONE ON THE
16th DAY OF DECEMBER, 1996.

AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF
CENTERVILLE, MONTGOMERY COUNTY, OHIO, IN THE
MATTER OF THE HEREINAFTER DESCRIBED
IMPROVEMENT AND TO REQUEST COOPERATION BY THE
DIRECTOR OF TRANSPORTATION.

WHEREAS, the City has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

The resurfacing of the existing roadway and other roadway related items north from the junction of Interstate Route 675 to the south corporation limit of Kettering, for a distance of 3.234 kilometers, plus or minus, Said project will be identified as MOT-48-7.208.

Said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the City further desires cooperation from the Director of Transportation in the planning, design and construction of said improvement.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. (Cooperation) That the City of Centerville requests the cooperation of the Director of Transportation in the cost of the above described improvement as follows:

Consent is given by the City for the above improvement, and further, the City will assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the State and the Federal Highway Administration.

Section 2. (Consent) That it is declared to be in the public interest that the consent of the City of Centerville be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

Section 3. (Authority to Sign) That the City Manager of the City of Centerville, is hereby empowered and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

Section 4. (Traffic Control Signals and Devices) That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

Section 5. (Maintenance and Parking) That upon completion of said improvement, the City of Centerville will thereafter keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, poster, billboards, roadside stands or other private installations within the right-of-way limits; and
- © Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
- (d) Regulate parking in the following manner:
Prohibit parking in accordance with Section 4511 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

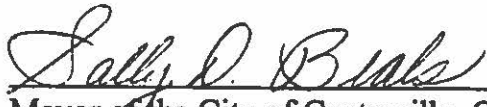
Section 6. (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State will acquire any additional right-of-way required for the construction of the aforesaid improvement.
- © That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by the City of Centerville or the Department of Transportation.

- (d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive H-P-508 inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections, © and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of all utility facilities on the right of way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e), and (f) hereinabove.

Section 7. This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 16th day of DECEMBER, 1996.



Mayor of the City of Centerville, Ohio

ATTEST:

Maile J. Sample
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance Number 25-96, passed by the Council of the City of Centerville, Ohio, on the 16th day of DECEMBER, 1996.

Maile J. Sample
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney