

ORDINANCE NO. 7-93

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Sally Beals ON THE 17th  
DAY OF May, 1993..

AN 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 reconstruction and widening of State Route No. 725 to a 4/5 facility on modified alignment and profile including curb and gutter, storm sewer, sidewalks, and other roadway related items. The project is located east from Loop Road to Wilmington Pike, for a distance of 2.15 miles, plus or minus, and further identified as MOT-725-20.10.

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

- A. The City agrees to assume and bear one-hundred percent (100%) of the total cost of Preliminary Engineering through the preparation of construction plans.
- B. The City agrees to 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.

- C. The Department of Transportation will assume and bear all remaining costs of the improvement less the amount of Federal-Aid funds set aside by the Director from funds allocated by the Federal Highway Administration.
- D. The Department of Transportation also agrees to assume and bear costs of plan reviews and processes.

SECTION II. (Consent) That it is declared to be in the public interest that the consent of said City 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 III. (Authority to Sign) That the City Manager of said City, 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 IV. (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 V. (Maintenance and Parking) That upon completion of said improvement, said City, 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, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
- (c) 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 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VI. (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.
- (c) 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 said City 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 (c) 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.

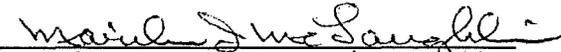
- (f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (g) That 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.

This Ordinance shall become effective at the earliest date allowed by law.

PASSED this 17th day of May, 1993.

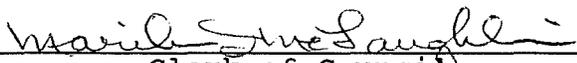
  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of the Council of the  
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 No. 7-93, passed by the Council of the City of Centerville, Ohio, on the 17th day of May, 1993.

  
\_\_\_\_\_  
Clerk of Council

Approved as to form, consistency  
with existing ordinances, the  
charter and constitutional provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney



George V. Voinovich  
Governor

# OHIO DEPARTMENT OF TRANSPORTATION

25 South Front Street  
P.O. Box 899  
Columbus, Ohio 43216-0899

July 1, 1993

Marilyn Laughlin  
Clerk of Council  
City Hall  
100 W. Spring Valley Road  
Centerville, Ohio 45458

RE: Montgomery County - State Route No. 725 -  
Section 20.10 - PID 12697  
Ordinance No. 7-93 passed May 17, 1993

Dear Ms. Laughlin:

Please find enclosed one (1) copy of the executed Ordinance of the City of Centerville, proposing to cooperate with the Director of Transportation and agreeing to maintenance in connection with the above referenced project. The Director has entered said legislation on his journal Volume 78, Page 2, and under date of June 24, 1993.

Respectfully,

A handwritten signature in cursive script that reads "Mark G. Kelsey".

Mark G. Kelsey, Administrator  
Bureau of Contract Sales

MGK:asr

c: District No. 7  
File

If you have any questions, contact **Arlene S. Robinson** at 1-614-466-3209.

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Pg 2  
7-93 6/28/93

NAME OF STREET ALEXANDERVILLE-BELLBROOK PIKE ORDINANCE NO. \_\_\_\_\_

ROUTE NO. SR 725 DATE May 17, 1993

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 reconstruction and widening of State Route No. 725 to a 4/5 facility on modified alignment  
and profile including curb and gutter, storm sewer, sidewalks, and other roadway related items. The  
project is located east from Loop Road to Wilmington Pike, for a distance of 2.15 miles, plus or minus, and  
further identified as MOT-725-20.10.

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**, Be it ordained by the Council of the City of CENTERVILLE, Ohio:

**SECTION I (Cooperation)**

That said City hereby requests the cooperation of the Director of Transportation in the cost of the above  
described improvement as follows:

- A. The City agrees to assume and bear one-hundred percent (100%) of the total cost of Preliminary Engineering through the preparation of construction plans.
- B. The City agrees to 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.
- C. The Department of Transportation will assume and bear all remaining costs of the improvement less the amount of Federal-Aid funds set aside by the Director from funds allocated by the Federal Highway Administration.
- D. The Department of Transportation also agrees to assume and bear costs of plan reviews and processes.

**SECTION II (Consent)**

That it is declared to be in the public interest that the consent of said City 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 III (Authority to Sign)**

That the City Manager of said City, 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 IV (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 V (Maintenance and Parking)**

That upon completion of said improvement, said City, 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, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
- (c) 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 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

**SECTION VI (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.
- (c) 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 said City 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 (c) 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.

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: May 17, 19 93.

Attest: Maury McLaughlin  
Clerk

Shirley F. Hanks  
Mayor

Attest: \_\_\_\_\_  
Same as above  
President of Council

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CERTIFICATE OF COPY

STATE OF OHIO

City of CENTERVILLE SS

County MONTGOMERY

I, Maury McLaughlin, as Clerk of the City of CENTERVILLE, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said City on the 17th day of May, 19 93, that the publications of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance Record No. City 5, Page 537.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 17th day of May, 1993.

(SEAL)

Maury McLaughlin  
Clerk

City of CENTERVILLE, Ohio.

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The foregoing is accepted as a basis for proceeding with the improvement herein described.

For the City of CENTERVILLE, Ohio.

Attest: Maury McLaughlin

Bryce Stou, Date 5/18/93  
Contractual Officer

For the State of Ohio

Attest: Barbara M. King

Jerry Whay, Date 6-24-93  
Director, Ohio Department of Transportation