

ORDINANCE NO. 3-85

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Charles Taylor ON THE  
18th DAY OF February, 1985.

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:

Replace deficient bridge #2048 on SR 725, over a tributary  
of Little Sugar Creek 0.86 mile east of SR 48 within the  
corporation limits of the City of Centerville.  
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 said City hereby requests the  
cooperation of the Director of Transportation in the cost of the above  
described improvement as follows:

- A. The Department of Transportation will assume and bear  
ten percent (10%) of the Federal participating portion  
of the improvement.
- B. The City will assume and bear all remaining costs of the  
improvement (preliminary engineering, right of way,  
construction engineering and construction) less the  
amount of State and Federal-Aid funds set aside by  
the Director for financing the improvement from funds  
allocated by the Federal Highway Administration.

SECTION 2. (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 3. (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 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, 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:  
Parking prohibited within limits of the improvement.

SECTION 6. (Right-of-Way, Utility Rearrangement and Saving the State of Ohio Harmless of Damages)

- (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/City 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 municipality owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive 28-A, whether 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 rearrangement 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 said City hereby agrees that the said Department of Transportation of the State of Ohio, shall be and is hereby saved harmless from any and all damages or claims thereof

arising from or growing out of the certification or obligations made or agreed to in Sections (a), (b), (c), (d) and (e) 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, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 18th day of February, 1985.

Shirley F. Keen  
Mayor of the City of Centerville,  
Ohio

ATTEST:

Marilyn J. Paulin  
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 the foregoing to be a true and correct copy of Ordinance No. 3-85, passed by the Council of the City of Centerville, Ohio, on the 18th day of February, 1985.

Marilyn J. Paulin  
Clerk of the Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney