

ORDINANCE NUMBER 5-82
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Wanda Lake ON THE 1st
DAY OF February, 1982.

AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT, UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION.

WHEREAS, the Director of Transportation is considering improving a portion of the public highway which is described as follows:
by repairing and resurfacing the pavement on portions of SR 48 from Loganwood (SLM 2.74) to Weller (SLM 3.21); from a point 300' north of Franklin Street (SLM 3.32) to Ridgeway (SLM 3.38); and from Elmwood (SLM 4.15) to a point 1000 feet north of Loop Rd (SLM 4.87). Adjustment of City owned castings and spot pavement planing will be included in the contract.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. (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 2. (Cooperation). That said City hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows:
by contributing a lump sum of thirty-one thousand, three hundred, sixty dollars (\$31,360.00).

SECTION 2A. That the thirty-one thousand, three hundred, sixty dollars (\$31,360.00) is hereby appropriated for the improvement of the highway as described hereinabove.

SECTION 3. (Authority to Sign). That the City Manager of said City, is hereby authorized to enter into maintenance and parking agreements and special contractual obligations.

SECTION 4. (Maintenance, Parking, Traffic Control Signals and Devices). 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; and

(d) Regulate parking in the following manner:
Permit No Parking on the project except between Westerly (SLM 3.03) and Weller (SLM 3.21) where parking on one side opposite heavy directional flow in A.M. and transferring to the other side in the P.M. may be permitted.

SECTION 5. (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 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 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 No. 28-A.

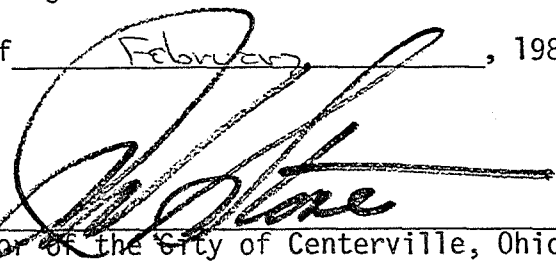
(e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling 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 Accomodation.

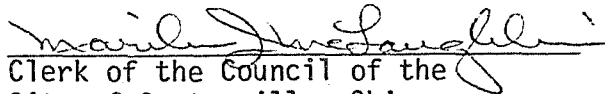
(g) That said City hereby agrees that the said Department of Transportation of the State of Ohio, shall be and is hereby saved harmless from any and all damages or claims thereof arising from or growing out of the certification of obligations made or agreed to in Sections (a), (b), (c), (d) and (e) hereinabove.

SECTION 6. (Emergency Clause). This ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety. This Ordinance shall take effect and be in force immediately upon passage.

PASSED this 1st day of February, 1982.


Mayor of the City of Centerville, Ohio

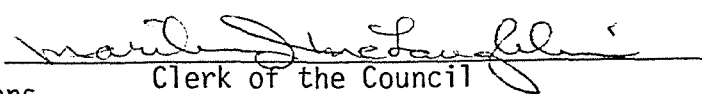
ATTEST:


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 the foregoing to be a true and correct copy of Ordinance No. 5-82, passed by the Council of the City of Centerville, Ohio, on the 1st day of February, 1982.

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


Clerk of the Council
Department of Law
Robert N. Farquhar
Municipal Attorney