

ORDINANCE NUMBER 2-81
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell Sweetman ON THE 16th
DAY OF March, 1981

AN 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:

Reconstruct Fireside Drive intersection and service road in City of
Centerville. Add raised median on North Village Drive, Widen bridge
(19 ft. span) MOT-48-0517. Upgrade guard rail, signing, and pavement
markings. Install traffic signal at S.R. 48 and Fireside Drive.

NOW THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION I. (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 II. (Cooperation) That said City hereby proposes to
cooperate with the State of Ohio, in the cost of the above described
improvement as follows:

To assume and bear 100% of the cost of the improvement, less any
amount of Federal Aid HES Funds determined to be eligible and available for
participation in the project.

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 signals will not be installed on the project without prior approval
by the State.

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 within limits of the improvement.

SECTION VI. That Ordinance No. 46-78 passed by Centerville City Council on 8-21-78 is hereby rescinded.

SECTION VII. (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 Municipality will acquire any additional right-of-way required for the construction of the aforesaid improvement, in accordance with applicable State and Federal regulations and instructions given by the State.

(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 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.

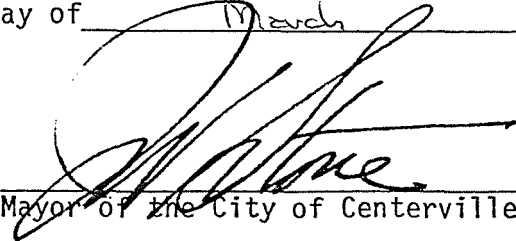
(e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling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

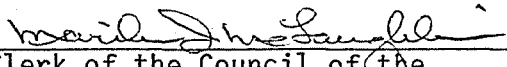
SECTION VIII. This Ordinance shall take effect from and after the earliest time allowed by law.

PASSED this 16th day of March, 1981.



Mayor of the City of Centerville, Ohio

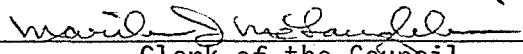
ATTEST:



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. 2-81, passed by the Council of the City of Centerville, Ohio, on the 16th day of March, 1981.



Clerk of the Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney