

ORDINANCE NO. 16-78

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Loeffler - S. Law
ON THE 4th DAY OF MARCH, 1978

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 AND REPEALING ORDINANCE 9-76.

WHEREAS, the Director of Transportation is considering improving a portion of the public highway which is described as follows:

Widen and reconstruct Bigger Road in Centerville and Kettering, from S.R. 725 in Centerville to Andrews Road in Kettering. This project includes the portion of Bigger Road to be reconstructed in connection with I-675.

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:

To assume and bear 100% of the cost of the improvement, less any amount of Federal Aid Urban "M" Funds determined to be eligible and available for participation in the improvement. City of Centerville will act as Fiscal Agent for said project with City of Kettering.

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

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:
Prohibit parking 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 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 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. Ordinance 9-76 which is attached hereto and incorporated herein is hereby repealed.

Section 8. This Ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency is declared by reason of the need for expediting highway improvements to promote highway safety.

PASSED this 6th day of March, 1978.



Mayor of the City of Centerville, Ohio

ATTEST:

Maria J. Melanick
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. 16-78, passed by the Council of the City of Centerville, Ohio, on the 6th day of March.

Maria J. Melanick
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

ORDINANCE NO. 9-76

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Charles W. Gentry
ON THE 1st DAY OF MARCH, 1976.

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 AND REPEALING ORDINANCE 10-75.

WHEREAS, the Director of Transportation is considering improving a portion of the public highway which is described as follows:

Widen and reconstruct Bigger Road in Centerville from its intersection with S.R. 725 (Alexandersville-Bellbrook Road) northward approximately 1.02 miles to the Centerville-Kettering Corporation Line.

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 and proven as follows:

To assume and bear one hundred percent (100%) of the cost of the improvement less any amount of Federal Aid Urban "M" Funds determined to be eligible for participation in the improvement. Provided, however, that this agreement by the City is contingent upon the availability of local funds to pay the City's share of the cost at the time said improvement is to be constructed.

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

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:
Prohibit parking within limits of the improvement.

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

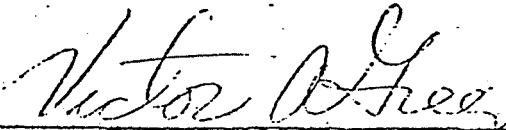
- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the Municipality will acquire any additional right-of-way required for the construction of the aforesaid improvement in accordance 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 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. Ordinance 10-75 which is attached hereto and incorporated herein is hereby repealed.

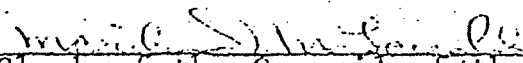
Section 8. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED this 1st day of March, 1976.



Mayor of the City of Centerville, Ohio

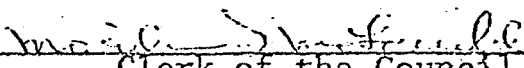
ATTEST:



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. 9-76, passed by the Council of the City of Centerville, Ohio, on the 1st day of March, 1976.



Clerk of the Council

Approved _____
with _____
charter _____

Robert H. _____
Municipal Attorney