

ORDINANCE NO. 18-77

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell Sweetman ON THE 13th  
DAY OF April, 1977.

AN ORDINANCE ENACTED BY THE CITY OF CENTERVILLE,  
MONTGOMERY COUNTY, OHIO, IN THE MATTER OF THE  
IMPROVEMENT OF WHIPP ROAD, 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:

Widen and reconstruct Whipp Road in Centerville and Washington Town-  
ship from its intersection with SR 48 eastward approximately 1.1 miles to the  
Centerville Kettering Corporation line. The north half of Whipp Road from State  
Route 48 to Marshall Road, approximately 26% of road frontage is located in  
Washington Township, the remainder is in Centerville.

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 one hundred percent of the cost of the improvement  
for the portion which lies within the corporate limits of the City of Centerville,  
less any amount of Federal Aid Urban "M" Funds determined to be eligible for  
participation in the improvement. City of Centerville to act as Contractual  
Agent for Montgomery County for project.

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. That Ordinance 20-76 passed April 5, 1976, is hereby rescinded.

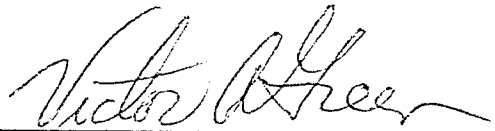
Section 7. (Right-of-Way, Utility Rearrangement and Saving the State of Ohio Harmless of Damages)

- (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.

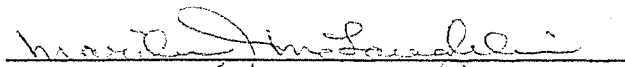
Section 8. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED this 18th day of April, 1977.



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. 18-77, passed by the Council of the City of Centerville, Ohio, on the 18th day of April, 1977.



Clerk of the Council

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

ATTEST:

FOR THE CITY OF CENTERVILLE, OHIO

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Date:

Contractual Officer

ATTEST:

FOR THE STATE OF OHIO

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Date:

Director, Ohio Department of Transportation

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.  
Department of Law  
Robert M. Faragher  
Municipal Attorney