

ORDINANCE NO. 19-76

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell Sweetman ON THE 15th
DAY OF March, 1976.

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:

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

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 one hundred percent of the cost of the improvement less any amount of Federal Aid Urban "M" Funds determined to be eligible for participation in the improvement.

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 (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 VII (Enacting Clause)

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

PASSED this 15th day of March, 1976.

Victor A. Green

Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn Schmitt

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. 19-76, passed by the Council of the City of Centerville, Ohio, on the 15th day of March, 1976.

Marilyn Schmitt

Clerk of the Council

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

For the City of Centerville, Ohio.

Attest: _____

_____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department
of Transportation

Approved as to form, consistency
with existing laws, the
charter & _____ laws.

Robert N. Farguhar

Robert N. Farguhar
Municipal Attorney