

200.61
P. 871
August 30, 1976

ORDINANCE NO. 46-76

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Ralph Sprague
ON THE 16th DAY OF August, 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 resurface S.R. 725 from improved five lane section under I-675 (MOT-675-0.00 project) to the existing 4 lane wide section within the City of Centerville, approximately 0.12 miles east of the west Corporation Line.

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: No Financial Participation.

SECTION III (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 IV
(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: Prohibit parking within limits of the improvement.

SECTION V

(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 VI (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, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately

upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 16th day of August, 1976.

Victor A. Lee
Mayor of the City of Centerville, Ohio

ATTEST:

Maile S. Mouton
Clerk of the Council of the
City of Centerville, Ohio

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

For the City of Centerville, Ohio

Attest: Francis A. Higgins
Ray J. Manning, Date 8/17/76
Contractual Officer
City Manager

For the State of Ohio

Attest: Mary Barbara Jones
Richard H. Jackson, Date 8-30-76
Director, Ohio Department of Transportation

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. 46-76, passed by the Council of the City of Centerville, Ohio, on the 16th day of August, 1976.

Maile S. Mouton
Clerk of the Council