

## RECORD OF ORDINANCES

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2806-A

Ordinance No. 17-72

Passed March 6, 1972

ORDINANCE NO. 17-72

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN RUSSELL SWEETMAN ON THE 6th DAY OF MARCH, 1972.

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 HIGHWAYS.

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

By applying an asphalt concrete leveling course of an average thickness of 1/2" and a surface course of 1" on SR 48 in the City of Centerville beginning at SR 725 west bound (which is at the end of Project #453-1970), log station 3.27 and covering the existing pavement width through to the split corporation line on the left, log station 3.79, hence at 1/2 width on the right to the south construction limits of proposed I-675, log station 4.16. Beginning again on the right at the north construction limits of proposed I-675, log station 4.87 and continuing northward at 1/2 width to the north split corporation line on the right, log station 5.38, a distance of 1.40 miles. Sufficient material will be supplied to cover existing paved areas adjacent to the pavement.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section I. 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 Highways to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

Section II. That said City hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows: By amending ordinance no. 23-71 dated April 5, 1971 to conform to the above and by contributing a lump sum of Eight Thousand Four Hundred Eighty Six Dollars (\$8,486.00), which includes the cost of raising storm castings.

Section II-A. That the Eight Thousand Four Hundred Eighty Six Dollars (\$8,486.00) is hereby appropriated for the improvement of the highway as described hereinabove.

Section III. That the City Manager of said City, is hereby authorized to enter into maintenance and parking agreements and special contractual obligations.

Section IV. 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) Regulate parking in the following manner:

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SR 48 project limits 3.27-5.38  
SLM - 3.27-3.38 parking on one side opposite heavy directional flow in AM and transferring to other side in PM.  
SLM 3.38-5.38 No Parking

Section V. That traffic control signals will not be installed on the project without prior approval by the State of Ohio and the City will 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.

Section VI.

- (a) That all existing street and public right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State/Municipality 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 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 Highways.
- (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, whether inside or outside the corporate limits as may be necessary to conform to the said improvements and said rearrangements shall be done at such time as requested by the Department of Highways 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 Highway 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 Bureau of Public Roads Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments".
- (g) That said City hereby agrees that the said Department of Highways 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 VII. This ordinance shall take effect and be in force and after the earliest period allowed by law.

Passed this 6th day of March, 1972.

/s/ Paul C. Hoy  
Mayor (same as President of Council)

ATTEST:

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/s/ Marilyn J. McLaughlin
Clerk of Council, 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: /s/ Marilyn J. McLaughlin

/s/ James R. Smith, Date 3/7/72

Contractual Officer

CERTIFICATE OF COPY

STATE OF OHIO

CITY OF CENTERVILLE

COUNTY OF MONTGOMERY

I, Marilyn J. McLaughlin, as Clerk of the City of Centerville, Ohio,
do hereby certify that the foregoing is a true and correct copy of ordinance
adopted by the legislative authority of the said City on the 6th day of
March, 1972, that the publication of such ordinance has been made and certified
of record according to law; that no proceedings looking to a referendum upon
such ordinance have been taken; and that such ordinance and certificate of
publication thereof are of record in Ordinance Record No. 1, Page 450.

IN WITNESS WHEREOF, I have unto subscribed my name and affixed my
official seal, this 6th day of March, 1972.

/s/ Marilyn J. McLaughlin
Clerk

City of Centerville, Ohio

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

Department of Law
Robert N. Farquhar
Municipal Attorney