

Ordinance No. 21-70

Passed 17th day of March, 19 70

ORDINANCE NO. 21-70
CITY OF CENTERVILLE

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY TO COOPERATE WITH THE DIRECTOR OF HIGHWAYS IN THE IMPROVEMENT OF THE SURFACE OF STATE ROUTE 48 WITHIN THE CITY; APPROPRIATING THE FUNDS FOR SAID IMPROVEMENT; AUTHORIZING THE CITY MANAGER TO ENTER INTO MAINTENANCE AND PARKING AGREEMENTS AND SPECIAL CONTRACTUAL OBLIGATIONS; PROVIDING FOR TRAFFIC CONTROL, RIGHT OF WAY, UTILITY REARRANGEMENT AND SAVING THE STATE OF OHIO HARMLESS OF DAMAGES.

WHEREAS, the Director of Highways is 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 3/4" and a surface course of 1/2" of Steam Boiler Slag Asphalt (SS-918) on SR 48 in the City of Centerville beginning at the south corporation, log station 1.70 and covering the existing pavement width through to the north corporation limits on the left, log station 3.79, hence forward on the right side only and covering the existing pavement width through to the north corporation line on the right side, log station 5.38. Sufficient material will be supplied to cover existing paved areas adjacent to the pavement.

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 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 (Cooperation)

That said City hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows:

By contributing a lump sum of Ten Thousand Seven Hundred Seventy-Six Dollars (\$10,776.00). The manhole castings are owned by the Montgomery County Sanitary Department and will be adjusted to grade by them.

SECTION II-A

That the Ten Thousand seven hundred seventy-six dollars (\$10,776.00) is hereby appropriated for the improvement of the highway as described herein-above.

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 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

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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: No change in parking regulations.

SECTION V (Traffic Control Signals and Devices)

That traffic control signals will not be installed on the project without prior approval by the State 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 (Right-of-Way, Utility Rearrangement and Saving 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/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 improvement 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 or obligations made or agreed to in Sections (a), (b), (c), (d) and (e) hereinabove.

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SECTION VII (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 five 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.

Vote on emergency clause: Yeas 7 Nays 0

Passed March 17, 1970 Yeas 7 Nays 0

As an emergency measure.

Passed: March 17, 1970.

/S/ Paul C. Hoy
Mayor

ATTEST:

/S/ Marilyn J. McLaughlin
Clerk

"SAME"
President of Council

ATTEST:

/S/ Marilyn J. McLaughlin

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

For the City of Centerville, Ohio

/S/ John P. Griffin
Contractual Officer

Date: March 19, 1970

ATTEST:

/S/ Marilyn J. McLaughlin

CERTIFICATE OF COPY

STATE OF OHIO)
CITY OF CENTERVILLE : SS.:
COUNTY OF MONTGOMERY)

I, MARILYN 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 17th day of March, 1970, 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 161.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 17th day of March, 1970.

/S/ Marilyn J. McLaughlin
Clerk of the City of Centerville,

Approved as to form consistency with existing ordinance, the charter & constitutional provisions.
Department of Law
Robert N. Farquhar

Ohio