

## RECORD OF ORDINANCES

Ordinance No. 59-70

Passed January 4

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## ORDINANCE NO. 59-70

## CITY OF CENTERVILLE, OHIO

AN ORDINANCE GIVING CONSENT OF THE CITY OF CENTERVILLE TO THE EXPANSION OF THE FEDERAL-AID PRIMARY SYSTEM OF HIGHWAYS IN SAID CITY TO INCLUDE STREETS AND HIGHWAYS ELIGIBLE FOR TRAFFIC ENGINEERING IMPROVEMENTS AND THE BETTERMENT OF EXISTING STREETS THROUGH TRAFFIC ENGINEERING IMPROVEMENTS TO INCREASE TRAFFIC FLOW AND SAFETY UNDER THE SUPERVISION OF THE DIRECTOR OF HIGHWAYS OF THE STATE OF OHIO AND PROPOSING TO COOPERATE WITH SAID DIRECTOR IN CERTAIN MATTERS INCIDENT THERETO.

WHEREAS, the public convenience and welfare require the betterment of existing streets in the City of Centerville by making traffic engineering improvements to increase traffic flow and safety, hereinafter referred to as the Improvement, and

WHEREAS, the Council of the City of Centerville, hereinafter referred to as the City, desires to cooperate with the Director of Highways of the State of Ohio, hereinafter referred to as the State, in said Improvement, and

WHEREAS, the Federal-Aid Highway Act of 1968, approved, August 23, 1968, amended Chapter 1 of Title 23, United States Code by adding a new Section 135, "Urban area traffic operations improvement programs", which provides for the expenditure of Federal funds for an urban traffic operations program to increase capacity and safety, hereinafter referred to as TOPICS, the policies and procedures relating thereto being set forth in Policy and Procedure Memorandum No. 21-18, hereinafter referred to as PPM 21-18, and

WHEREAS, the City and the State desire to proceed with the addition of arterial routes and local streets to the Federal-aid primary system in the Centerville urban area, hereinafter referred to as the Primary Type II system, and to proceed with the said Improvement under the provisions of said PPM 21-18 issued May 28, 1970, and as such memorandum may be amended from time to time, now, therefore

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION I. - CONSENT

It is declared to be in the public interest that the consent of the City be, and such consent is hereby given to the State, to proceed with said Improvement, in accordance with plans, specifications and estimates approved by the State.

SECTION II. - SCOPE OF IMPROVEMENT

The general limits of the study area will be:

The City of Centerville

Traffic facilities investigated and included in the Improvement will include the principal arterial routes, major crosstown streets and streets as follows:

- A. Core Area
  - 1. West Franklin Street (S.R. 725)
  - 2. Far Hills Avenue - Main Street - Dayton-Lebanon Like (S.R. 48 and S.R. 725)
  - 3. East Franklin Street
- B. Arterial System
  - 1. East Franklin Street - Centerville Station Road



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- 2. East Alexandersville-Bellbrook Road
- 3. East Whipp Road
- 4. Rahn Road
- 5. Ciyo Road
- 6. Bigger Road
- 7. Wilmington Pike
- 8. Spring Valley Road

C. Connectors

- 1. Loop Road

SECTION III. - COOPERATION

A. The City agrees that City cooperation in the planning, construction, financing, maintenance, operation and evaluation of effectiveness of said Improvement and all procedures relating thereto will be in accordance with the provisions of PPM 21-18, and State of Ohio, Department of Highways, "TOPICS Procedure Manual", and as such memorandum and manual may be amended from time to time.

B. The City further agrees:

1. To furnish, if required, and bear the cost of the establishment of a tentative Primary Type II System.

2. That State participation in the Areawide TOPICS Plan will be twenty-five percent (25%) and that the City will assume and bear the remaining cost less the amount of the reimbursement received by the State from Federal-aid TOPICS funds.

3. To assume and bear five percent (5%) of the cost and expense of construction plans and construction of the Improvement on State Routes.

4. To assume and bear the entire cost and expense of construction plans and construction not on State Routes less the amount of the reimbursement received by the State from Federal-aid TOPICS funds.

5. To assume and bear fifty percent (50%) of the cost of a program for evaluation of each completed part of the Improvement as provided by PPM 21-18, Section 10 "Evaluation".

6. That construction costs shall include construction engineering, construction, advertising and other legal and contingent expenses.

7. To acquire and bear the cost of any additional right of way required for the improvement.

8. To make and bear costs of all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto.

9. To make arrangements with all public utility companies, whose lines or structures will be affected by the Improvement, to make all necessary plant removals or rearrangements.

10. To deposit with the State upon request by the State the estimated amount of the City's participation in the Improvement or any part thereof before the State shall be obligated to advertise for bids for construction of the Improvement or any part thereof.

SECTION IV. - MAINTENANCE AND OPERATION

The City agrees:

A. To maintain and operate the Improvement, and to make ample financial and other arrangements for such maintenance and operation.



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B. That before the State shall be obligated to proceed with the construction of the Improvement, or any part thereof, the City will have a traffic engineering unit as required by PPM 21-18 of the Bureau of Public Roads, or has made other arrangements acceptable to the State and the Bureau of Public Roads to assure the proper maintenance and operation of the traffic operations improvements installed, and that the City will maintain necessary and adequate regulations for the maintenance of efficient operations of the street network in accordance with the intent of the plans for the Improvement, it being understood that if the City fails to fulfill its obligation, such failure will disqualify the City from future Federal-Aid participation on projects for which the City has maintenance responsibility until such time as arrangements satisfactory to the State have been made, and the traffic operations improvements are brought to a satisfactory condition of maintenance and operation.

C. That a traffic engineering unit will have authority for the establishment of parking controls, bus stops, loading zones, driveways, and traffic patterns, or if the traffic engineering unit is not delegated such authority, the City will consider the written advice of the traffic engineering unit in such matters, and in the event the City elects to proceed contrary to the written advice of the traffic engineering unit any proposed revisions will be submitted to the State for prior review and comment, or if the City does not have a traffic engineering unit and has made other arrangements approved by the State to assure the proper maintenance and operation of the traffic patterns and operation and in traffic regulations will be submitted to the State for prior review and comment.

#### SECTION V. - AUTHORITY TO SIGN

The City Manager is hereby authorized to enter into maintenance agreements and special contractual obligations.

#### SECTION VI. - EFFECTIVE DATE

This Ordinance shall take effect at the earliest time allowed by law.

Passed this 4th day of January, 1971.

/s/ Paul C. Hoy  
Mayor - City of Centerville,  
Ohio

ATTEST:

/s/ Marilyn J. McLaughlin  
Clerk of the Council of the  
City of Centerville, Ohio

#### C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of an Ordinance passed by the Council of the City of Centerville, Ohio, on the 4th day of January, 1971.

/s/ Marilyn J. McLaughlin  
Clerk

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney