

RESOLUTION NO. 4-96  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER ARONSON ON THE 12TH  
DAY OF FEBRUARY, 1996.

A RESOLUTION TO ADOPT PLANS, AND TO PROPOSE COOPERATION WITH THE DIRECTOR OF TRANSPORTATION IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT FOR THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, AND TO REQUEST THE DIRECTOR TO PROCEED WITH SAID IMPROVEMENTS IN ACCORDANCE WITH CHAPTER 5521, OHIO REVISED CODE.

WHEREAS, the City of Centerville has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

The reconstruction of existing roadway from the intersection of State Route No. 725 (Alexandersville-Bellbrook Road) northeasterly to the intersection of Bigger Road, lying within the City of Centerville. Total length of work being approximately 0.820 mile; and

WHEREAS, the City of Centerville proposes to cooperate with the Director Of Transportation in the improvement of Clio Road, by assuming and contributing the entire cost and expense of the improvement, less the amount of Federal Funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration; and further, the City agrees to assume and bear one hundred percent (100%) of the cost of right-of-way and preliminary engineering, excluding in-house preliminary engineering charges incurred by the State.

The Director of Transportation notwithstanding the percentage basis of contribution may allocate the money contributed in whatever manner he may deem necessary in financing the cost of construction, rights-of-way, engineering and incidental expenses. The total share of the cost for the City of Centerville, is now estimated in the amount of One Hundred Sixty Nine Thousand Seven Hundred Forty -----00/100 Dollars, (\$169,740.00), but said estimated amount is to be adjusted in order that the City's ultimate share of the cost of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has

transmitted copies of the same to the City of Centerville; and

WHEREAS, the City of Centerville desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section I. That the section of highway above described be improved under the provisions of aforesaid law. That said work be done under the charge, care and superintendence of the Director of Transportation and that said plans, specifications and estimates for this highway improvement as approved by the Director of Transportation are hereby approved and adopted by the City of Centerville.

Section II. Change orders and extra work contracts required to fulfill the construction contract shall be processed as needed. The Director of Transportation shall not approve a change order or extra work contract until he first gives notice, in writing, to the City of Centerville. The City of Centerville shall contribute its share of the cost of these items in accordance with other sections herein.

Section III. That the City of Centerville is still of the opinion the proposed work on the described highway should be constructed, and that the City of Centerville should co-operate on the basis set forth in the proposal.

Section IV. That the estimated sum of One Hundred Sixty Nine Thousand Seven Hundred Forty ----- 00/100 Dollars, (\$169,740.00), is hereby appropriated for improving the highway described above, and the City Manager is hereby authorized and directed, upon the requisition of the Director of Transportation, to pay the cost and expense of said improvement. The City of Centerville agrees to assume, in the first instance, the share of the cost and expense over and above the amount to be allocated from Federal Funds.

Section V. That the installation of 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 rules on Utility Accommodation.

Section VI. 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 municipality owned utilities and/or any appurtenances thereto, which do not comply with Ohio Department of Transportation Directive H-P-508, 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.

Section VII. That traffic control signals will be installed on the project only when recommended by a study of roadway and traffic conditions by a traffic engineer or when at least of the warranting conditions specified in the Ohio Manual of Uniform Traffic Control Devices is met and the municipality does hereby agree to 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 VIII. That the rights-of-way provided for said improvement shall be held inviolate for public highway purposes and no signs, poster, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.

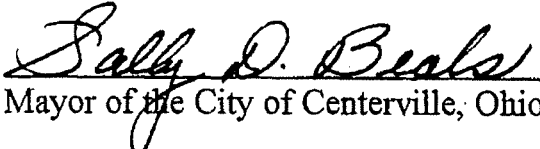
Section IX. That the City of Centerville hereby requests that the Director of Transportation proceed with the aforesaid highway improvement.

Section X. That the City of Centerville shall enter into a contract with the Director of Transportation providing for the payment of the estimated sum of One Hundred Sixty Nine Thousand Seven Hundred Forty-----00/100 Dollars, (\$169,740.00), the agreed proportion of the cost and expense to be borne by Centerville, Ohio, for the improvement of the hereinbefore described highway.

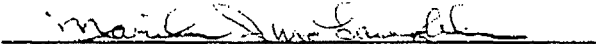
Section XI. That the Clerk of the City of Centerville is hereby directed to transmit to the Director of Transportation a certified copy of this Resolution.

Section XII. That this Resolution shall become effective at the earliest date allowed by law.

PASSED this 13<sup>th</sup> day of February, 1996.

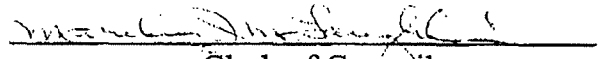
  
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Mayor of the City of Centerville, Ohio

ATTEST:

  
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Clerk of Council, City of Centerville, Ohio

**CERTIFICATE**

The undersigned, Clerk of the Council of the City of Centerville, Ohio hereby certifies that the foregoing is a true and correct copy of Resolution Number 9-96, passed by the Council of the City of Centerville, Ohio on the 18th day of February, 1996.

  
Clerk of Council

Approved as to form, consistency  
with the Charter and Constitutional Provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney