

NAME OF STREET _____ RESOLUTION NO. 16-92

ROUTE NO. SR-48 and SR-725 DATE June 15 1992

A Resolution enacted by the City of Centerville, Montgomery County, Ohio, in the matter of the hereinafter described improvement, and to request cooperation by the Director of Transportation.

WHEREAS, the City has identified the need for and proposes the improvement of a portion of the public highway which is described as follows: The resurfacing within the City of Centerville with asphaltic concrete on: SR-48 from S.L.M. 2.88 (Edenhurst Rd.) to S.L.M. 4.33 (Alex-Bell Rd.) and on SR-725 from S.L.M. 17.99 (Centerville W.C.L.) to S.L.M. 18.49 (JCT SR-48).

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the City further desires cooperation from the Director of Transportation in the planning, design and construction of said improvement.

NOW THEREFORE, Be it resolved by the Council of the City of Centerville, Ohio:

SECTION I (Cooperation)

That said City hereby requests the cooperation of the Director of Transportation in the cost of the above described improvement as follows: CONSENT ONLY

The City of Centerville will be responsible for adjustment of all castings to grade.

SECTION II (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 III (Authority to Sign)

That the Asst. City Manager of said City, is hereby empowered directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION IV (Traffic Control Signals and Devices)

That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION V (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 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.

(d) Regulate parking in the following manner:

Not applicable

SECTION VI

(Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

(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 therefore.

(b) That the State/City 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 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 DH-P-411 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.

(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 Accommodation.

(g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, The State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.

PASSED: June 15, 1992.

Attest:

Maureen J. McLaughlin
Clerk

Shirley F. Kemnitz
Mayor

Attest:

SEME IS ABOVE
President of Council

CERTIFICATE OF COPY

STATE OF OHIO

City of CentervilleSS

County Montgomery

I, Maureen J. McLaughlin, as Clerk of the City of Centerville, Ohio, do hereby certify that the foregoing is a true and correct copy of resolution adopted by the legislative Authority of the said City on the 15th day of June, 1992, that the publications of such resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such resolution have been taken; and that such resolution and certificate of publication thereof are of record in Resolution Record No. 11, Page 54.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 15th day of June, 1992.

(SEAL)

Maureen J. McLaughlin
Clerk

City of Centerville, Ohio.

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

Attest: Maureen J. McLaughlin For the City of Centerville, Ohio.

Michael J. McLaughlin, Date
Contractual Officer
ASST. CITY MANAGER

For the State of Ohio

Attest: _____

_____, Date
Director, Ohio Department of Transportation