

Res. # 36-91

FINAL RESOLUTION  
Adopting plans;  
Proposing to co-operate;  
Requesting Director to proceed;  
(Chapter 5521, Ohio Revised Code)

Mr. Compton, moved the adoption of the following Resolution:

WHEREAS, At a meeting of the legislative authority of Centerville, Ohio, held in the office of said legislative authority on this 21st day of October, 1991, a quorum being present, the improvement of East Whipp Road, under the provisions of Chapter 5521, Ohio Revised Code, came on for further consideration; said portion of highway as described in the legislation proposing cooperation with the Director of Transportation, enacted on the 20th day of March, 1989, being described as follows:

The reconstruction and widening of East Whipp Road, from State Route No. 48 eastward to its intersection with Hewitt Road, in the City of Kettering and Centerville.  
Total length of work being approximately 1.353 miles

; and

WHEREAS, In of said legislation proposing cooperation, said legislative authority proposes to cooperate with the Director of Transportation in the improvement of East Whipp Avenue, by assuming and contributing one hundred percent (100%) of the cost of the entire improvement less the amount of Federal Funds set aside by the Director of Transportation, and allocated to the Miami Valley Regional Planning Commission, for financing the improvement from funds allocated by the Federal Highway Administration. The State agrees to absorb the non-Federal share of its in-house preliminary engineering cost. Further, the City of Centerville be designated as the Lead Agency for this joint project between the City of Centerville, Montgomery County, and the City of Kettering.

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 Six Hundred Eighty Two Thousand Seven Hundred Two - - - - -00/100 Dollars, (\$682,702.00), less an estimated credit due City for local share of Consultant cost paid by the City in the amount of Twenty Two Thousand Three Hundred Fifty - - - - - 00/100 Dollars, (\$22,350.00), leaving an estimated balance presently due the State of Ohio from the City of Centerville in the amount of Six Hundred Sixty Thousand Three Hundred Fifty Two - - - - -00/100 Dollars, (\$660,352.00), 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 determined

; and

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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 same to this legislative authority

; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

Now, Therefore, Be It Resolved:

- 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 this legislative authority.
- 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 this legislative authority. This legislative authority shall contribute its share of the cost of these items in accordance with other sections herein.
- III. That this legislative authority is still of the opinion the proposed work on the described highway should be constructed, and that we should co-operate on the basis set forth in our proposal.
- IV. That the estimated sum of Six Hundred Sixty Thousand Three Hundred Fifty Two - - - - - 00/100 Dollars, (\$660,352.00), is hereby appropriated for improving the highway described above, and the fiscal officer is hereby authorized and directed to issue his order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume, in the first instance, the share of the cost and expense over and above the amount to be allocated from Federal Funds.
- 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.
- VI. That it is hereby agreed that the City, at its own expense, make all rearrangements of water mains, service lines, fire hydrants,

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valve boxes, sanitary sewers, or other municipally owned utilities and/or any appurtenances thereto, which do not comply with Ohio Department of Transportation Directive DH-P-411, 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.

- 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.
- VIII. That the rights-of-way provided for said improvement shall be held inviolate for public highway purposes and no signs, posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.
- IX. That this legislative authority of Centerville, Ohio, hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- X. That this legislative authority of Centerville, Ohio, shall enter into a contract with the Director of Transportation providing for the payment by said legislative authority of the estimated sum of Six Hundred Sixty Thousand Three Hundred Fifty Two - - - - - 00/100 Dollars, (\$660,352.00), the agreed proportion of the cost and expense to be borne by Centerville, Ohio, for the improvement of the hereinbefore described highway.
- XI. That the Clerk of this legislative authority be, and he is hereby directed to transmit to the Director of Transportation a certified copy of these Resolutions.
- XII. This Resolution is hereby declared to be an emergency measure by reason of the need for expediting construction of project(s) to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to the legislative authority, 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.



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21st day of October, 1991.

  
Presiding Officer

\*SEAL

  
Clerk (Secretary Ex-Officio)

Legislative Authority of Centerville,  
Ohio.

\*Note: If the fiscal officer is secretary Ex-Officio of the Legislative Authority, the fiscal officer's seal should be affixed. If there is no seal this fact should be stated by separate letter and attached hereto.