

RESOLUTION NO. 16-86  
FINAL RESOLUTION

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

Mr. Taylor moved the adopting 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 July, 1986, a quorum being present, the improvement of State Route No. 48, 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 21st day of March, 1983, being described as follows:

The improvement of the intersection on State Route No. 48, including new signals, at Whipp Road, lying within the City of Centerville. Total length of work being approximately 0.300 mile

; and

WHEREAS, In said legislation proposing cooperation, said legislative authority proposes to cooperate with the Director of Transportation in the improvement of State Route No. 48, by assuming and contributing One Hundred percent (100%) of the construction cost of the improvement for that portion which lies within the corporate limits of the City of Centerville, less the amount of Federal Funds determined to be eligible and available for participation in the project. ~~Further, the City agrees to assume and bear One Hundred percent (100%) of the cost of signal revisions necessary to interconnect with Keppering computerized system.~~ Further, the City agrees to assume and bear One Hundred percent (100%) of the Preliminary Engineering cost of the entire improvement exclusive of the State's review cost. The City of Centerville agrees to act as contractual agent for Montgomery County.

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, Ohio, is now estimated in the amount of Forty One Thousand Nine Hundred Twenty Four - - - - - 00/100 Dollars, (\$41,924.00), 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 cost 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 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. 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.
- III. That the estimated sum of Forty One Thousand Nine Hundred Twenty Four - - - - -00/100 Dollars, (\$41,924.00), 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 and State Funds.
- IV. 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 Accomodation.
- V. 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 Ohio Department of Transportation Directive 28-A, 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.
- VI. 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 one 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.
- VII. 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.
- VIII. That this legislative authority of Centerville, Ohio, hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- IX. That this legislative authority of Centerville, Ohio, enter into a contract with the Director of Transportation providing for the payment by said legislative authority of the estimated sum of Forty One Thousand Nine Hundred Twenty Four - - - - -00/100 Dollars, (\$41,924.00), the agreed proportion of the cost and expense to be borne by Centerville, Ohio, for the improvement of the hereinbefore described highway.

- X. 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.
- XI. 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.
- XII. This Resolution is also subject to adequate assurances from Montgomery County, legally enforceable, that the City of Centerville will be reimbursed for any and all expenses arising from work performed on behalf of Montgomery County.

Thereupon, Mr. Stone seconded the said motion, and upon the roll being called, the result of the vote was as follows:

~~Vote on suspension of the rule requiring an ordinance to be fully and distinctly read on three different days:  
(Requires a yea vote by three-fourths of all elected members)~~

Yeas 7 Nays 0

~~Vote on emergency clause: Yeas \_\_\_\_\_ Nays \_\_\_\_\_~~

~~Passed \_\_\_\_\_, 1986. Yeas \_\_\_\_\_ Nays \_\_\_\_\_~~

~~As An Emergency Measure.~~

Passed: July 21, 1986.

Attest: Maude [Signature]  
Clerk

Shirley F. Hunt  
Mayor

Attest: \_\_\_\_\_

Same  
Presiding Officer of the Legislative Authority

The State of Ohio  
Centerville, Ohio

} Office of the Legislative Authority  
}

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the legislative authority of Centerville, Ohio, which Resolution was duly passed by said legislative authority of Centerville, Ohio, on the 21st day of July, 1986, and that the same is a true and correct copy of the record of said Resolution and the action of said legislative authority thereon.

We further certify that said Resolution and the action of said legislative authority thereon is recorded in the journal of said legislative authority in volume 4, at page 413, and under date of July 21, 1986.

IN WITNESS WHEREOF, We have hereunto set our hands and seal, this 22nd day of July, 1986.

\*SEAL

Shirley F. Dembs  
Presiding Officer

Maureen M. Sander  
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.