

RESOLUTION NO. 27-84  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Charles Taylor ON THE 4th  
DAY OF June, 1984.

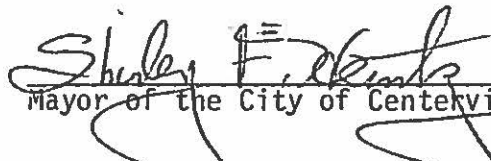
A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT BY AND BETWEEN THE CITY OF CENTERVILLE, OHIO, AND THE STATE OF OHIO FOR HIGHWAY IMPROVEMENT REFERRED TO AS CITY OF CENTERVILLE- PF MOT 34, BIGGER ROAD/IR 675.

THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is hereby authorized and directed to enter into a Contract by and between the City of Centerville, Ohio, and the State of Ohio, a copy of which is attached hereto as Exhibit "A" and incorporated herein, which Contract provides for highway improvement referred to as City of Centerville - PF MOT 34, Bigger Road /IR 675.

SECTION 2. This Resolution shall take effect at the earliest date allowed by Law.

PASSED this 4th day of June, 1984.

  
Mayor of the City of Centerville, Ohio

ATTEST:

  
Clerk of the Council of the  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 27-84, passed by the Council of the City of Centerville, Ohio, on the 4th day of June, 1984.

  
Clerk of the Council

Approved as to form, consistency  
with existing ordinances, the  
Charter and constitutional provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney

## C O N T R A C T

(Chapter 5521, Ohio Revised Code)

Note: Before the signing of this contract the fiscal officer must make and seal and file with the legislative authority his certificate of funds in strict compliance with Chapter 5521, and Section 5705.41, Ohio Revised Code. The fiscal officer should record his certificate of funds in the legislative authority's journal.

This contract and agreement made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 1984, by and between the City of Centerville, Ohio, hereinafter referred to as the legislative authority and the State of Ohio, hereinafter referred to as the State, witnesseth:

WHEREAS, On the 6th day of July, 1965 and on the 6th day of March, 1978, said legislative authority adopted legislation proposing to cooperate with the State in the highway improvement, which is to be made by and under the supervision of the Director of Transportation, said highway improvement being described as follows:

PART I - INTERSTATE ROUTE NO. 675 and STATE ROUTE NO. 725 - SECTIONS 3.51/19.74 - CITY OF CENTERVILLE

The new construction on Interstate Route No. 675, 0.07 mile west of Normandy Lane and west to .39 mile west of Wilmington Park and the new construction on State Route No. 725, .12 mile east of State Route No. 48 to .54 mile east of State Route No. 48, lying within the Cities of Centerville and Kettering. Total length of work being approximately 3.25 miles

PART II - BIGGER ROAD AND INTERSTATE ROUTE NO. 675 - SECTION 6.00 - CITY OF CENTERVILLE

The widening and reconstruction of Bigger Road, from State Route No. 725 in the City of Centerville to Andrews Road in the City of Kettering and the reconstruction of Interstate Route No. 675, .13 mile north of State Route No. 725, lying within the City of Kettering. Total length of work being approximately 1.11 miles

; and

WHEREAS, Thereafter, on the 12th day of August, 1965 and on the 11th day of April, 1978, the Director of Transportation accepted the proposal of said legislative authority to cooperate with the State in said highway improvement, said action of the Director of Transportation being recorded in the Director's journal, volume 50 at page 714 and volume 63 at page 345; respectively

; and

WHEREAS, On the 24th day of May, 1984, the Director of Transportation determined to make the proposed highway improvement, when, in his judgement, conditions permit the advertising and awarding of a contract, therefor

; and

WHEREAS, Thereafter, on the 31st day of May, 1984, the Director of Transportation submitted plans and estimates for said highway improvement to the legislative authority for approval

; and

WHEREAS, Thereafter, on the 4th day of June, 1984, said legislative authority duly adopted a final resolution, approving plans, proposing to co-operate, requesting the Director of Transportation to proceed and resolving to enter into a contract with the State in conformity with previous resolutions, providing for the payment by said legislative authority of the estimated

sum of Four Hundred Three Thousand Four Hundred Forty Seven - - - - -  
00/100 Dollars, (\$403,447.00), being the share of said legislative authority in  
the total estimated cost and expense of said proposed highway improvement

; and

WHEREAS, The Clerk has reported to this legislative authority that a certified  
copy of such Resolution has been duly transmitted to said Director of Transportation

; and

WHEREAS, This legislative authority assumes and agrees to pay as its share  
of the cost and expense of construction of said highway improvement the sum of  
money hereinbefore set forth, which moneys are now available for the purpose and  
as to which the fiscal officer has filed with said legislative authority a certificate  
that such moneys are in fund, all as required by statute, a duplicate of which  
certificate has been filed with the Director of Transportation

; and

WHEREAS, In said legislation proposing cooperation, said legislative authority  
proposes to cooperate with the Director of Transportation in the improvement of Interstate  
Route No. 675 and State Route No. 725 (PART I) and Bigger Road and Interstate Route No.  
675 (PART II), as follows:

Interstate Route No. 675 and State Route No. 725 (PART I)  
Consent Only, per Ordinance No. 7-1965 =

Bigger Road and Interstate Route No. 675 (PART II)

By assuming and contributing One Hundred percent (100%)  
of the cost of the "M" financed portion of the improvement,  
less any amount of Federal "M" Funds determined to be  
eligible and available for participation in the improvement.  
Consent only for the "I" financed grade separation portion  
of the improvement, per Ordinance No. 7-1965. City of  
Centerville will act as Fiscal Agent for said project with  
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 Five Hundred Thirty One Thousand Five Hundred Eighty Eight - - - - -  
- - - - -00/100 Dollars, (\$531,588.00), less a deposit by City on Highway  
Invoice No. RE 0256 in the amount of Twelve Thousand One Hundred Sixty Two - - - - -  
- - - - -50/100 Dollars, (\$12,162.50), less an estimated credit due City for  
local share of Right-of-Way costs incurred by City in the amount of Eighty Two  
Thousand Three Hundred Twelve - - - - -50/100 Dollars, (\$82,312.50), less  
an estimated credit due City for local share of Consultant costs incurred by City in  
the amount of Thirty Two Thousand Two Hundred Twenty Six - - - - -  
00/100 Dollars, (\$32,226.00), less an estimated credit due City for local share of  
Action Plan costs incurred by City in the amount of One Thousand Four Hundred Forty  
- - - - -00/100 Dollars, (\$1,440.00), leaving an estimated balance  
presently due the State of Ohio from the City of Centerville in the amount of  
Four Hundred Three Thousand Four Hundred Forty Seven - - - - -00/100  
Dollars, (\$403,447.00), but said estimated amount is to be adjusted in order that  
the City ultimate share of the cost of said improvement shall correspond with  
said percentages of actual cost when said actual costs are determined

; and

WHEREAS, Said legislative authority agrees that upon completion of the  
said improvement it 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

- (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) Will 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; and
- (d) Regulate parking in the following manner:

Prohibit parking within limits of the improvement

; and

WHEREAS, Said City further agrees:

- (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 therefor.
- (b) That the City will acquire any additional right-of-way required for the construction of the aforesaid improvement in accordance with applicable State and Federal Regulations and instructions given by the State.
- (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 the City or the Department of Transportation Engineer.
- (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 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.
- (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 back filling 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 rules on Utility Accommodations.
- (g) That the City hereby agrees that the said Department of Transportation of the State of Ohio shall be and is hereby saved harmless from any and all damages or claims thereof arising from or growing out of the certification or obligations made or agreed to in subsections (a), (b), (c), (d) and (e) hereinabove.

Montgomery County - City of Centerville  
Interstate Route No. 675 and State Route No. 72  
Sections 3.51/19.74 - Part I  
Bigger Road and Interstate Route No. 675  
Section 6.C0 - Part II  
Federal Aid Project No.  
Part I - I-675-8(11), I-675-8(1) R/W and  
I-675-8(2) PE  
Part II - M-1N30(2), I-675-8(22) and M-1N30(1) PI  
Contract - Page 4

NOW, THEREFORE, In consideration of the foregoing and the construction of said improvement desired and determined by the legislative authority of Centerville, Ohio, said legislative authority hereby contracts and agrees with the State of Ohio that it will pay, as its agreed proportion of the cost and expense of said improvement, the estimated sum of Four Hundred Three Thousand Four Hundred Forty Seven - - - - -00/100 Dollars, (\$403,447.00), and that the same shall be paid by the proper City Officials upon the requisition of the Director of Transportation.

For the City of Centerville, Ohio.

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

\_\_\_\_\_  
City Manager

(Contractual Officer(s) Signature(s) and Title)  
of Centerville, Ohio.

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

State of Ohio  
Accepted by: \_\_\_\_\_  
Director of Transportation



Montgomery County - City of Centerville  
Interstate Route No. 675 and State Route No. 725  
Sections 3.51/19.74 - Part I  
Bigger Road and Interstate Route No. 675  
Section 6.00 - Part II  
Federal Aid Project No.  
Part I - I-675-8(11), I-675-8(1) R/W and  
I-675-8(2) PE  
Part II - M-1N30(2), I-675-8(22) and M-1N30(1) PE  
Contract - Page 5 of Pages

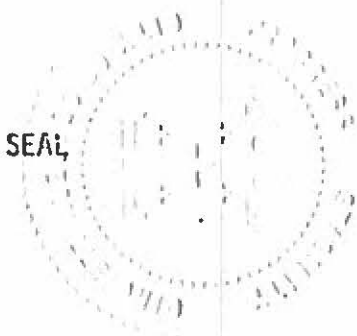
The State of Ohio  
Centerville, Ohio

} Office of the Legislative Authority

This is to certify that we have compared the foregoing copy and contract with the original record thereof, found in the record of the proceedings of the legislative authority of Centerville, Ohio, and which contract was duly signed by the City Manager of Centerville, Ohio, on the 6th day of June, 1984, and that the same is a true and correct copy of the record of said contract and the action of said legislative authority thereon.

We further certify that said contract and the action of said legislative authority thereon is recorded in the journal of said legislative authority in volume 4, at page 222, and under date of June 4, 1984.

IN WITNESS WHEREOF, We have hereunto set our hands and seal, this 6th day of June, 1984.



\_\_\_\_\_  
Presiding Officer

Maureen J. McLaughlin  
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.