

NAME OF STREET Franklin Street

Resolution
ORDINANCE NO. 62-4

~~ROUTE NO.~~
ROUTE NO. S. R. 725

DATE OF ENACTMENT Sept 19, 1962

An emergency ^{*resolution*} ~~ordinance~~ enacted by the ~~Village~~ ^{~~City~~} of Centerville

Montgomery County, Ohio, in the matter of the hereinafter described improvement, under the supervision of the Director of Highways.

WHEREAS, the Director of Highways is considering improving a portion of the public highway which is described as follows:

(Location and general nature of work)

Reconstructing S.R. 725 from the West Corporation Line of Centerville to a point 0.135 mile East of the West Corporation Line of Centerville, in all a distance of approximately 0.135 mile.

NOW THEREFORE, Be it ordained by the Council of the ~~City~~ ^{~~City~~} Village of Centerville, Ohio:

SECTION I (Consent)

That it is declared to be in the public interest that the consent of said ~~Village~~ ^{~~City~~} be and such consent is hereby given to the Director of Highways to construct the above described improvement, in accordance with plans, specifications and estimates as prepared by said Director.

SECTION II (Cooperation)

That said Village, hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement, by assuming and contributing **a lump sum of \$200.00**

inclusive of the cost of engineering, contingencies and other incidental expenses.

SECTION III (Authority to Sign)

That the Mayor of said Village, is hereby authorized to enter into maintenance and parking agreements and special contractual obligations.

SECTION IV (Maintenance)

That it is hereby agreed that said Village will, after completion of the aforementioned project, maintain the improvement herein contemplated in accordance with the provisions of the statutes relating thereto and will make ample financial and other provisions for such maintenance, and maintain the right of way and keep it free of obstructions in a manner satisfactory to the State of Ohio.

SECTION V (Parking Regulations)

That upon completion of said improvement, said ~~Village~~ Village, will thereafter

- (a) Keep said highway open to traffic at all times; and
- (b) Regulate parking in the following manner:

No parking on travelled pavement

SECTION VI That traffic control lights will not be installed on the project without prior approval by the State.

SECTION 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.

SECTION VIII (CERTIFICATION OF AVAILABILITY OF RIGHT OF WAY, UTILITY REARRANGEMENT AND SAVING THE STATE OF OHIO HARMLESS OF DAMAGES.)

- (a) That all existing right of way within the ~~City~~ Village, which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State/~~County~~ 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~~ village or the Department of Highways.
- (d) That it is hereby agreed that the ~~City~~ village 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, 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 Highways 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 Section I-1.07 of the Ohio Department of Highways Construction and Material Specifications and shall be subject to approval by the State.
- (f) That said ~~City~~ village hereby agrees that the said department of highways 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 Sections (a), (b), (c), (d) and (e) hereinabove.

SECTION IX (Emergency Clause)

This ordinance 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 Council, 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.

Vote on suspension of the rule requiring an ordinance to be fully and distinctly read on three different days:

(Requires a yeas vote by three-fourths of all elected members)

Yeas _____ Nays _____

Vote on emergency clause: Yeas _____ Nays _____

Passed _____ 19 _____ Yeas _____ Nays _____

As an Emergency measure.

Passed: September 19, 1962.

Attest: Charles G. Taylor, Jr.
CLERK

Wm O. Gimbel
MAYOR
C. J. Stingley
PRESIDENT OF COUNCIL

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

~~OFFIX~~ For the Village of Centerville, Ohio.

Attest: _____

Wm O. Gimbel Date 9/19/62
CONTRACTUAL OFFICER
For the State of Ohio.

Attest: _____

Date _____
DIRECTOR, OHIO DEPARTMENT OF HIGHWAYS

CERTIFICATE OF COPY

STATE OF OHIO

~~OFFIX~~ Village of Centerville SS

County Montgomery

I, Charles G. Taylor, Jr., as clerk of the village of Centerville, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the

~~OFFIX~~ council of the said village on the 19 day of September, 1962, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance Record No. 12 White Book,

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IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 19 day of September, 1962.

Charles G. Taylor, Jr.
CLERK
~~OFFIX~~
VILLAGE of Centerville, Ohio.