

SAVING THE STATE OF OHIO HARMLESS FROM ANY AND ALL DAMAGES OR CLAIMS THEREOF ARISING FROM OR GROWING OUT OF THE IMPROVEMENT OF SH NO. 64, SECTION CENTERVILLE, MONTGOMERY COUNTY, OHIO.

WHEREAS, the State of Ohio, through its Department of Highways has arranged for the improvement of SH No. 64, Section Centerville, Montgomery County, Ohio, as shown by plans on file in the office of the Department of Highways, Columbus, Ohio, which route is within the Village of Centerville, and,

WHEREAS, the Department of Highways requires, prior to the actual construction of the said improvement, a resolution from the Council of the Village of Centerville that it would save the State harmless from any and all damages or claims thereof arising from or growing out of the making of the said improvement, and a certification that sufficient right of way is available for the construction of the improvement, and

WHEREAS, the Department of Highways requires, prior to the actual construction of the said improvement, a certification from the Village of Centerville that the said Village has made arrangements with and obtained agreements from any and all public utility companies having lines of any nature whatsoever within the limits of the said improvement which will be affected by or will interfere with the construction thereof, and the said companies will remove and/or rearrange any such lines or structures immediately after request by the Village or the Department, and that the said Village will save the State harmless from any and all damages or claims thereof arising from or growing out of such necessary utility plant rearrangements, and further, that the said Village will make any and all rearrangements in water mains, service lines, fire hydrants, valve boxes and/or any appurtenances thereto, at its own expense, as may be necessary to make said mains and service lines conform to the said improvement, and

WHEREAS, in order to expedite the performance of said improvement, an emergency exists which requires that this resolution shall take effect and be in force from and after the date of its adoption.

NOW THEREFORE, be it resolved by the Council of the Village of Centerville, Ohio, three-fourths of its members concurring:

SECTION NO. 1. That in the consideration of the State of Ohio, through its Department of Highways, improving SH No. 64, Section Centerville, Montgomery County, Ohio, being 3313.70 lineal feet of highway within the corporate limits of the Village of Centerville between Station 144 plus 50 and Station 177 plus 63.8, which work is to be done in accordance with the plans and specifications therefor, it is hereby agreed that the said Department of Highways and 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 making of said proposed improvement in accordance with the plans and specifications aforesaid.

SECTION NO. 2. That the necessary right-of-way for the construction of the improvement is available.

SECTION NO. 3. That arrangements have been made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement, said companies having 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 for the said improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by the Village or the Department, and the Village hereby agrees that the said Department of Highways and State of Ohio shall be and are hereby saved harmless from any and all damages or claims thereof arising from or growing out of the making of said utility company line and structure rearrangements.

SECTION NO. 4. That it is hereby agreed that the Village of Centerville shall, at its own expense, make all rearrangements in water mains, service lines, fire hydrants, valve boxes and/or any appurtenances thereto, as may be necessary to make the said mains, service lines, fire hydrants, valve boxes and appurtenances thereto conform to the said improvement, and said rearrangement work shall be done at such time as requested by the Department of Highways' engineers in such a manner as not to interfere unduly with the operations of the contractor constructing the improvement.

SECTION No. 5. That the Clerk of the Village Council be and he is hereby authorized and directed to certify a copy of this resolution to the Director of Highways, State of Ohio.

SECTION NO. 6. By reason of the emergency set forth in the preamble hereof, this resolution shall take effect and be in force at once.

ATTEST: Luella Brown

DATE: _____

Erroy W. Bradstreet

