

ORDINANCE NUMBER 11-1960
VILLAGE OF CENTERVILLE, OHIO

Name of Street Main
Route No. S. R. 48

1960 Resurfacing Program
Ordinance number 11
Date of Enactment April 4-1960

An emergency ordinance enacted by the Village 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)

grade, drain and pave Main Street in the Village of Centerville from a point approximately 0.11 mile north of the South Intersection of SR-48 and SR-725 in the Village of Centerville to the North Corporation Line of Centerville, a distance of approximately 0.958 miles.

NOW THEREFORE, Be it ordained by the Council of the Village of Centerville, Ohio:

SECTION I (Consent)

That it is declared to be in the public interest that the consent of said Village 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 \$3443.00, 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, 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 OR DAMAGES.)

- (a) That all existing right of way within the Village, which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State 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 village or the Department of Highways.
- (d) That it is hereby agreed that the village shall at its own expense, make all arrangements 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-2.06 of the Ohio Department of highways

Construction and Material Specifications and shall be subject to approval by the State.

- (f) That said 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 yea vote by three-fourths of all elected members)

Yeas 6 Nays 0

Vote on emergency clause: Yeas 6 Nays 0

Passed: April 4th, 1960, Yeas 6 Nays 0
As an emergency measure.

PASSED: April 4th, 1960.

ATTEST: (Signed) Kenneth E. Poff
Clerk

(Signed) Wm. O. Gimbel
Mayor

(Signed) Harold G. Kelso, M.D.
President of Council

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

For the Village of Centerville, Ohio.

ATTEST: (Signed) Kenneth E. Poff

(Signed) Wm. O. Gimbel Date April 4, 1960
Contractual Officer

CERTIFICATE OF COPY

STATE OF OHIO
Village of Centerville, SS
County of Montgomery

I, KENNETH E. POFF, 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 council of the said village on the 4th day of April, 1960, that 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 thereof are of record in Ordinance Record No. _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 4th day of April, 1960.

(Signed) Kenneth E. Poff
Clerk

VILLAGE OF CENTERVILLE, OHIO.

CERTIFICATE OF POSTING

I, KENNETH E. POFF, Clerk of the Council of the Village of Centerville, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of Ordinance Number 11-1960 was duly made by posting true copies thereof at five of the most public places of said municipality, as determined by the Council, as follows:

- Stage Coach Inn
- Centerville Village Market
- Centerville Post Office
- Shell Service Station
- Centerville Pure Oil Company

each for a period of fifteen days, commencing on the 4th day of April, 1960.

DATED: April 4, 1960.

(Signed) Kenneth E. Poff
Clerk of the Council of the Village of Centerville, Ohio