

ORDINANCE NUMBER 12-1958  
VILLAGE OF CENTERVILLE, OHIO

1958 Resurfacing Program  
Ordinance No. 12

Name of Street \_\_\_\_\_

Route No. S. R. 48

Date of Enactment June 24, 1958

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)

resurfacing with asphaltic concrete from the South Corporation Line of Centerville to a point approximately 1.04 miles north of the South Corporation Line of Centerville, a distance of approximately 1.04 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 \$400.00 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 OF DAMAGES.)

- (a) That all existing right of way within the Village, which is necessary for the aforesaid improvement, shall be made available therefor.
- (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 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 1-2.06 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.

SECTIONS IX (Emergency Clause)

This ordinance is hereby declared to be an emergency measure by reason of the need for expending 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 (six) Nays 0 (None)

Vote on emergency clause: Yeas 6 (six) Nays 0 (None)

Passed , 1958 Yeas 6 (six) Nays 0 (None)

As an emergency measure.

Passed: June 24, 1958

Attest: Kenneth E. Poff (signed) Clerk (signed) Omer Jackson Mayor

Attest: James T. Lynn, Jr. (signed) (signed) Frank R. Arnold President of Council

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

For the Village of Centerville, Ohio.

Attest: James T. Lynn, Jr. (signed) (signed) Omer Jackson Date 7-30-58 Contractual Officer--Mayor

For the State of Ohio.

Attest: \_\_\_\_\_ Date Aug. 1, 1958 Director, Ohio Department of Highways

CERTIFICATE OF COPY

STATE OF OHIO

Village of Centerville SS

County, 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 24th day of June, 1958, 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 \_\_\_\_\_, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 24th day of June, 1958.

(signed) Kenneth E. Poff Clerk

VILLAGE OF CENTERVILLE, OHIO.

ORDINANCE NUMBER 13-1958 VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE TO ACCEPT APPLICATION FOR ANNEXATION OF TERRITORY.

WHEREAS, the Village of Centerville, by Ordinance Number 9-1958, passed March 10, 1958, did direct James T. Lynn, Jr., legal counsel for the Village, to prosecute proceedings necessary to annex the following described territory in Montgomery County and adjacent to the Village of Centerville, to-wit:

Situate in Sections 29 and 35, Town 3 Range 5, MRs., Washington Township, Montgomery County, Ohio. Beginning at a point in the present corporation line of the Village of Centerville, in the southwest corner of the Plat known as "Centervilla", Section 5, as described in Plat Book "RR", Page 70, of the plat records of said County, in the northeast corner of the 84.60 acre tract and in the northwest corner of the 8.15 acre tract, as described in Deed Book 1865, page 384, of the Deed Records of said County; thence with the present corporation line, with the south line of Centervilla Plat, Section 5, and with the north line of said 8.15 acre tract