

ORDINANCE NUMBER 5 - 1956

VILLAGE OF CENTERVILLE, OHIO

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/Highways is considering improving a portion of the public highway which is described as follows:

Beginning at the intersection of SR-48 & SR-725 (Bellbrook Pike) thence in an easterly direction to the east Corporation line of the village of Centerville a distance of approximately 0.50 of a mile there ending for the purpose of applying a Bituminous Concrete Surface Course 1 1/4" in thickness and 9 ft. wide.

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

Section 1 (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/Highways to construct the above described improvement, in accordance with plans, specifications and estimates as prepared by said Director.

Section 2 (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 inclusive of the cost of engineering, contingencies and other incidental expenses.

Section 3 (Authority to Sign). That the of said Village, is hereby authorized to enter into maintenance and parking agreements and special contractual obligations.

Section 4 (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 5 (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 traveled portion of pavement.

Section 6 (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 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 (b) and (c) 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 7 (Emergency Clause). This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting construction of project 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 . . . 5 . . . . . Nays . . . 0 . . . . .

Vote on emergency clause: Yeas . . . 5 . . . . . Nays . . . 0 . . . . .

Passed . . . . . 19... Yeas . . . 5 . . . . . Nays . . . 0 . . . . .

As an Emergency measure.

PASSED April 2, 1956.

I, George E. Howe, 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 2nd day of April, 1956, 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. 5 - 1956.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 2nd day of April, 1956.

(signed) Geo. E. Howe  
Clerk, Village of Centerville, Ohio

RESOLUTION #3-1956

RESOLUTION PROVIDING FOR THE REDEMPTION OF \$24,000 of 3-1/2% FIRST MORTGAGE WATERWORKS REVENUE BONDS OF THE VILLAGE OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, DATED JUNE 1, 1942.

WHEREAS, the Village of Centerville, by Ordinance No. 2-1942, passed by Council of the Village on May 15, 1942, authorized the issuance of \$45,000 of 3-1/2% First Mortgage Waterworks Revenue Bonds, of which \$40,000 of said bonds were issued, with bonds maturing after June 1, 1945,

WHEREAS, the Village of Centerville proposes to sell the municipally owned waterworks system to Montgomery County, Ohio, and

WHEREAS, it is necessary to call the remaining bonds of said issue for redemption, in the manner prescribed in said ordinance, on December 1, 1956,

NOW, THEREFORE, BE IT RESOLVED By Council of the Village of Centerville, Montgomery County, Ohio:

SECTION 1. That \$24,000 of outstanding bonds of the original issue of \$45,000 of 3-1/2% First Mortgage Waterworks Revenue Bonds of the village, dated June 1, 1942, secured by a Mortgage Trust Indenture with the Winters National Bank & Trust Company, Dayton, Ohio, as Trustee, numbered from 19 to 40, inclusive, and maturing in their consecutive numerical order on June 1 each year, as follows: \$2,000 from 1957 to 1964, inclusive, and \$3,000 in 1965 and 1966, be and the same are hereby called for redemption at par and accrued interest, plus the stated premium provided in said ordinance authorizing their issuance.

SECTION 2. That the village clerk is hereby authorized and directed to publish notice of the call for redemption of said bonds in a newspaper of general circulation in the County of Montgomery, Ohio, once a week for four (4) consecutive weeks beginning at least Thirty (30) days prior to the call date of December 1, 1956, and to give written notice to the Winters National Bank & Trust Company, Trustee thereof.

SECTION 3. That the village clerk is hereby authorized and directed to consummate the negotiations for the sale of said waterworks system to Montgomery County, Ohio, in order to provide the necessary funds for the call of said bonds in the manner provided, on December 1, 1956.

SECTION 4. Resolution number 2-1956 providing for the redemption of said bonds on the call date of June 1, 1956 is hereby repealed and superseded.

Passed this 13th day of June, 1956.

(signed) Omer Jackson  
Mayor, Village of Centerville, Ohio

Attest: (signed) Geo. E. Howe  
Clerk of Council

C E R T I F I C A T E

The undersigned, Clerk of Council of the Village of Centerville, Montgomery County, Ohio, hereby certifies that the foregoing is a true and correct copy of a resolution passed by said Village Council on the 13th day of June, 1956.

(signed) Geo. E. Howe  
Clerk, Village of Centerville, Ohio

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NAME OF STREET Bellbrook Pike  
ROUTE NO. S. R. 725

ORDINANCE NO 5-1956  
DATE OF ENACTMENT 4-2-56

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)

Beginning at the intersection of SR-48 & SR-725 (Bellbrook Pike) thence in an easterly direction to the east Corp. line of the village of Centerville a distance of approximately 0.50 of a mile there ending for the purpose of applying a Bituminous Concrete Surface Course 1 1/4" in thickness and 9 ft. wide.

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

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SECTION 2 (Cooperation). That said Village, hereby proposes to cooperate with the State

*Duplicate per page # 154*