

Vol 53
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Date 2-2-68

NAME OF STREET Franklin
ROUTE NO. 725

ORDINANCE NO. 11-1967
DATE OF ENACTMENT 5/22/67

An emergency ordinance enacted by the ^{City} 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:

Grading, paving and draining on State Route 725 (Franklin Street)
from a point approximately 400 feet east of the West Corporation
Line of Centerville to the intersection of State Route 725 and State
Route 48, a distance of approximately 2000 feet.

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

SECTION I (Consent)

^{City} 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 approved by the Director.

SECTION II (Cooperation)

^{City} That said Village hereby proposes to cooperate with the State of Ohio, in the cost of the above
described improvement as follows:

1. A lump sum of \$4000.00
2. 100% of the cost of adjusting, relocating and/or replacing
all municipally owned utilities and appurtenances involved
in this improvement.

SECTION III (Authority to Sign)

That the MAYOR ^{City} of said Village, is hereby authorized to enter
(Contractual Officer's Title)
into maintenance and parking agreements and special contractual obligations.

*Same as
Ord.*

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

Keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
- (c) Regulate parking in the following manner:

No parking on pavement between curbs at any time.

SECTION V (Traffic Control Signals and Devices)

That traffic control signals will not be installed on the project without prior approval by the State and the ~~City~~/Village will place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

SECTION VI (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/~~Metropolitan~~ 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 the Ohio Department of Highway 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 VIII (Emergency Clause)

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements 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 4 Nays 1

Vote on emergency clause: Yeas 4 Nays 1

Passed May 22, 19 67 Yeas 4 Nays 1
As an emergency measure.

Passed: May 22, 19 67

Attest: Ronald F. Budzik
Clerk

Paul G. Glay
Mayor

Attest: Maria McLaughlin

Summit McCallan
President of Council

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

For the ^{City} Village of Centerville, Ohio

Attest: Maria McLaughlin

Paul G. Glay, Date May 22, 1967
Contractual Officer

For the State of Ohio

Attest: Neil A. Brannon

P. E. Masheter, Date 1-31-68
Director, Ohio Department of Highways

CERTIFICATE OF COPY

STATE OF OHIO

~~City~~ Village of Centerville SS

County Montgomery

I, Ronald F. Budzik as clerk of the ^{City} Village of Centerville

Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said ~~City~~ Village on the 22nd day of May, 19 67, 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. 1, Page 300.

IN WITNESS WHEREOF, I have hereunto subscribed by name and affixed by official seal, this

22nd day of May, 19 67.

Ronald F. Budzik
Clerk

(SEAL)

~~City~~ VILLAGE of Centerville, Ohio.