

ORDINANCE NO. 13-60

Name of Street Broad

U.S.R.
Route No. S. R. 40 and 16 Date of Enactment 10-11-60

An emergency ordinance enacted by the City of Bexley, Franklin 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:

Surfacing with asphaltic concrete on the following location:

Beginning at a point in the centerline of Broad Street at the east end of the bridge over Alum Creek, thence easterly along Broad Street to the intersection with the east corporation line and there terminate. Said point of termination being the intersection with Gould Road. Total length being 1.42 miles, more or less, and being that portion within the corporation limits of the City of Bexley.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

SECTION I (Consent)

That it is declared to be in the public interest that the consent of said City 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 City hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement, by assuming and contributing

One hundred (100%) per cent of the cost of adjusting municipally-owned utilities.

Furnish preliminary engineering at no cost to the State.

Twenty (20%) per cent of the cost of construction inclusive of construction, engineering and other incidental expenses.

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SECTION III (Authority to Sign)

That the Mayor of said City is hereby authorized to enter into maintenance and parking agreements and special contractual obligations.

SECTION IV (Maintenance)

That it is hereby agreed that said City 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 City, will thereafter

- (a) Keep said highway open to traffic at all times; and
- (b) Regulate parking in the following manner:

No parking on the westbound lanes during the A. M. Peak-hour and No parking on the east bound lanes during the P. M. Peak-hour.

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 City, 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 city or the Department of Highways.
- (d) That it is hereby agreed that the city 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 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 city 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)

Yea	6	Nays	0
Vote on emergency clause:		Yea	6
Passed <u>10/11</u> , 19 <u>60</u>		Yea	6
		Nays	0

As an Emergency measure.

Passed: Oct. 11, 1960
Attest: R. C. Linscott
Clerk
Attest: _____

W. A. Schneider
W. A. Schneider
Mayor
C. J. Kurtz, Jr.
C. J. Kurtz, Jr.
President of Council

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

For the City of Bexley, Ohio.

Attest: _____

W. A. Schneider
W. A. Schneider Date 10/11/60
Contractual Officer