

ORDINANCE NO. 19 -71

By: W. B. Dast

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:

By applying an asphaltic concrete service course on East Broad Street (State Route No. US-40 and State Route No. 16) between the west corporation line and the east corporation line of the City of Bexley, Ohio.

Length - 0.41 of a mile, Width - 25', approximate thickness - 1-1/4"  
Length - 1.03 of a mile, Width - 50', approximate thickness - 1-1/4"

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

Section 1. (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 approved by the Director.

Section 2. (Cooperation)

That said City hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows: A lump sum of Seven Thousand Three Hundred Twenty Dollars (\$7,320.00) which includes the costs of raising existing castings. Gas Valves and telephone manholes are to be adjusted by others.

Section 2-A. That the lump sum of Seven Thousand Three Hundred Twenty Dollars (\$7,320.00) is hereby appropriated for the improvement of the highway as described hereinabove.

Section 3. (Authority to Sign)

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

Section 4. (Maintenance and Parking)

That upon completion of said improvement, said City 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:

Prohibit parking.

Section 5. (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 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 6. (Right-of-Way, Utility Rearrangement and Saving the State of Ohio Harmless of Damages)

(a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.

(b) That the Municipality 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 the Ohio Department of Highway Construction and Material Specifications and shall be subject to approval by the State.

(f) That the installation of all utility facilities on the right of way shall conform with the requirements of the Bureau of Public Roads Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments."

(g) 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 7. (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.

Passed: June 22nd, 1971

J. Rath Crable  
President of Council

Attest:

Approved: June 22nd, 1971

C. K. Kirsch  
Clerk of Council

K. D. McPhee  
MAYOR