

BY: DAVID H. MADISON

NAME OF STREET Main

ORDINANCE NO. 35-12

ROUTE NO. USR-33

DATE OF ENACTMENT December 12, 1972

An emergency ordinance enacted by the City/~~Village~~ 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:

Advanced TOPICS Project.

The improvement of the intersection of Main Street (USR-33) and
Parkview Avenue in the City of Bexley.

NOW THEREFORE, Be it ordained by the Council of the City/~~Village~~ of Bexley,
Ohio:

SECTION I (Consent)

That it is declared to be in the public interest that the consent of said City/
~~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)

That said City/~~Village~~ hereby proposes to cooperate with the State of Ohio, in the
cost of the above described improvement as follows: **by assuming and contributing the
entire cost and expense of the improvement less the amount of TOPICS funds
set aside by said Director for financing the improvement from funds allocated
by the Federal Highway Administration, United States Department of Transport-
ation, in accordance with the provisions of Ordinance No. 9-72 passed April 11,
1972 and the City further agrees to furnish the Preliminary Engineering and
bear the entire cost thereof.**

SECTION III (Authority to Sign)

That the Mayor of said City/~~Village~~ is hereby empowered and
directed on behalf of the City/~~Village~~ to enter into agreements with the Director of
Highways necessary to complete the planning and construction of this improvement.

SECTION IV (Traffic Control Signals and Devices)

That traffic control signals will not be installed on the project without prior
approval by the State.

posted 12/13/72

SECTION V (Maintenance and Parking)

That upon completion of said improvement, said City/~~XXXXXX~~ 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) 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.
- (d) Regulate parking in the following manner:

Prohibit parking at all times.

SECTION VI (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/~~XXXXXX~~ which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the ~~XXXXXX~~ 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/~~XXXXXX~~ or the Department of Highways.
- (d) That it is hereby agreed that the City/~~XXXXXX~~ 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 Highways 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 Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments".
- (g) That said City/~~XXXXXX~~ 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.

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.

Passed: December 12, 1972.

Attest: [Signature]
Clerk

Attest: _____

K.D. McClure
Mayor
[Signature]
President of Council

CERTIFICATE OF COPY

STATE OF OHIO

City/Village of Bexley SS

County Franklin

I, C. J. Kurtz, Jr., as clerk of the City/Village of Bexley, 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 12th day of December, 19 72, 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. V, Page 201.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 12th day of December, 1972.

(SEAL)

[Signature]
Clerk
CITY/Village of Bexley, Ohio.

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

Attest: [Signature] For the City/Village of Bexley, Ohio.

K.D. McClure, Date Dec. 12, 1972
Contractual Officer

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Highways