

NAME OF STREET Centerville & State

ORDINANCE NO. 14-78

ROUTE NO. 162 & 301

DATE OF ENACTMENT April 19, 1978

~~XXXX~~
An emergency ordinance enacted by the Village of Spencer,
Medina County, Ohio, in the matter of the hereinafter described improvement,
under the supervision of the Director of Transportation.

WHEREAS, the Director of Transportation is considering improving a portion of the public highway which is described as follows:

By applying an asphalt concrete surface course on SR-162 (Centerville St.) from west corp. limits (S.L.M. 1.97) to east Corp. limits (S.L.M. 2.97); approximate thickness 1 1/4"; widths 18', 28', 30' and 20'; length 5,280'. SR-301 (State Street) from S.L.M. 7.62 to North Corp. limits (S.L.M. 8.18); approximate thickness 1" to 2"; width 45' and 31'; length 2,957'. Total length of project 1.56 miles.

~~XXXX~~
NOW THEREFORE, Be it ordained by the Council of the Village of Spencer,
Ohio:

SECTION I (Consent)

~~XXXX~~
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 Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

SECTION II (Cooperation)

~~XXXX~~
That said Village hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows:

The lump sum of \$ - 0 - which includes the cost of raising castings.

SECTION II-A

That the Lump Sum of \$ - 0 -
is hereby appropriated for the improvement of the highway as described hereinabove.

SECTION III (Authority to Sign)

That the Mayor ~~XXXX~~ of said Village, is hereby authorized to enter

SECTION IV (Maintenance, Parking, Traffic Control Signals and Devices)

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) 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; and
- (d) Regulate parking in the following manner:

SR-162: Permit no parking on pavement from west corp. limits to Jackson St. and from 250' east of Jefferson St. to east corp. limits.
 Permit parallel parking on both sides of pavement from Jackson St. to Jefferson St.
 Permit parallel parking on one side of pavement from Jefferson St. to 250' east of Jefferson St.

SR-301: Permit parallel parking on both sides of pavement from Lorain St. to Washington St.
 Permit parallel parking on one side of pavement from Washington St. to North corp. limits.

SECTION V

(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/Village which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State/County 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 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 Transportation.
- (d) That ~~the City/Village hereby agrees that the City/Village shall not be held liable for any damages or claims arising from or growing out of the certification of obligations made or agreed to in Sections (a), (b), (c), (d) and (e) hereinabove.~~
- (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 Transportation 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" and the Department of Transportation's rules on Utility Accommodation.
- (g) That said City/Village hereby agrees that the said Department of Transportation 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 of obligations made or agreed to in Sections (a), (b), (c), (d) and (e) hereinabove.

SECTION VI (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 ye a vote by three-fourths of all elected members)

Yeas 6 Nays 0

Vote on emergency clause: Yeas 6 Nays 0

Passed April 19, 1978 Yeas 6 Nays 0
As an emergency measure.

Passed: April 19, 1978

Attest: _____
Clerk

Sidney E. Looney
Mayor

Attest: Art Johnson
Village Solicitor

Same
President of Council

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

For the Village of Spencer, Ohio

Attest: Art Johnson

Sidney E. Looney, Date 4-19-78
Contractual Officer

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation

CERTIFICATE OF COPY

STATE OF OHIO

Village of Spencer SS
County Medina

I, Milford L. Taylor, as clerk of the Village of Spencer, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said Village on the 19th day of April, 1978, 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. 14-78, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal, this 24th day of April, 1978.