

# OHIO DEPARTMENT OF TRANSPORTATION



District 3  
906 North Clark Street  
Ashland, Ohio 44805-1989

George V. Voinovich  
Governor

4-93  
District Three  
906 North Clark Street  
Ashland, Ohio 44805  
January 20, 1993

Rec. 1-21-93

Honorable Gene R. Clifford  
Mayor, Village of Spencer  
P.O. Box 336  
Spencer, Ohio 44275

Re: WAY/MED SR-301

Dear Sir,

The Director of Transportation is contemplating an improvement of SR-301 (1993 Program) within the corporation limits of the Village of Spencer, Ohio, more particularly described in the enclosed forms.

In improvements of this nature, it is the settled policy of the Department of Transportation, Division of Highways, to request consent by the sub-division in which the improvement is to be made.

Enclosed are three (3) copies of legislation for the proposed improvement.

## INSTRUCTIONS FOR COMPLETING FORMS

Regarding Emergency Clause, all signatures shall be affixed. If the Mayor is President of Council, he should write in "same" when affixing his signature as Mayor.

The Contractural Officer shall sign where indicated and shall be the person authorized to sign by section III.

Clerk's Certificate of copy shall be complete with seal affixed.

Contd.

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We are requesting at this time, two (2) copies of Ordinance (form CS-2) and return to:

Mr. Phillip A. Harwood, District Deputy Director  
Ohio Department of Transportation  
906 North Clark Street  
Ashland, Ohio 44805

A copy of form CS-2 should be retained for your file.

We respectfully request that you give this matter your immediate attention.

Respectfully,

Phillip A. Harwood, P.E.  
District Deputy Director  
District Three

*James D. Mawhorr*  
James D. Mawhorr, P.E.  
District Operations Engineer

PAH/JDM/js  
cc: M&R file

Encl.

NAME OF STREET \_\_\_\_\_

ORDINANCE NO. 4-93

ROUTE NO. SR-301

DATE OF ENACTMENT \_\_\_\_\_

An emergency ordinance enacted by the Village of Spencer,  
Medina County, Ohio, in the matter of the hereinafter described  
improvement, and to request cooperation from the Director of Transportation.

WHEREAS, the Village has identified the need for and proposes the improvement of a portion of the public highway which is described as follows: by widening pavement 2' each side using 6" 402 asphalt concrete, 617 shoulders and 642 edge lines. Beginning at Spencer South Corp. (s.l.m. 6.91) and ending at begin curbs (s.l.m. 7.25) for a work length of 0.34 mile.

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the Village further desires cooperation from the Director of Transportation in the planning, design and construction of said improvement.

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

#### SECTION I (Cooperation)

That said Village hereby requests the cooperation of the Director of Transportation, in the cost of the above described improvement as follows:

#### SECTION I - A

That the Not Applicable

is hereby appropriated for the improvement of the highway as described hereinabove, by the Village.

#### SECTION II (Consent)

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 IV (Maintenance, Parking Traffic Control Signals and Devices)

That upon completion of said improvement, said 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: No Parking on pavement during construction within project limits.

## SECTION V

(Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public way right-of-way within the Village which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State/Village 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 Village or the Department of Transportation.
- (d) That it is hereby agreed that the 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, which do not comply with the provisions of Directive No. DH-P-411.
- (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 the Village hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the Village's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, The State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers

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: Feb 24, 19 93  
 Attest: Robin M Coleman Clerk  
G. G. Gifford Mayor  
 Attest: \_\_\_\_\_  
 \_\_\_\_\_ President of Council

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# CERTIFICATE OF COPY

STATE OF OHIO

Village of Spencer SS  
 County Medina

I, Robin M Coleman, 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 24th day of Feb, 19 93, 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. 4-93, Page \_\_\_\_\_.

(SEAL)

Robin M Coleman  
 Clerk  
 Village of Spencer, Ohio.

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

Attest: Robin M Coleman For the Village of \_\_\_\_\_, Ohio.  
G. G. Gifford, Date 2-26-93  
 Contractual Officer

For the State of Ohio

Attest: \_\_\_\_\_

\_\_\_\_\_, Date \_\_\_\_\_  
 Director, Ohio Department of Transportation