

1-81

CS-2  
Rev. 8-1-73

NAME OF STREET State ORDINANCE NO. 81-  
ROUTE NO. 301 DATE OF ENACTMENT March 11, 1981

~~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-301 (State Street) from South (half) Corporation limits (S.L.M. 6.92) to South (full) Corporation limits (S.L.M. 7.15); approximate thickness 1½"; width 20'; total length of project 1,214' or 0.23 mile.

~~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 \$ 219.55

#### SECTION II-A

That the Lump Sum of \$ 219.55  
is hereby appropriated for the improvement of the highway as described hereinabove.

#### SECTION III (Authority to Sign)

~~XXX~~  
That the Mayor of said Village, is hereby authorized to enter  
(Contractual Officer's Title)  
into maintenance and parking agreements and special contractual obligations.

## 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:

Permit no parking on pavement.

## 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 ~~and City~~ 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 it is hereby agreed that the ~~City~~ 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. 28-A.
- (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 yea vote by three-fourths of all elected members)

Yeas 5 Nays -0-

Vote on emergency clause: Yeas 5 Nays 0-

Passed March 11, 19 81 Yeas 5 Nays 0-

As an emergency measure. 81

Passed: March 11, 19 81

Attest: Dolores M. Wolf  
Clerk

Richard B. Cassidy  
Mayor - Dec 7 1981

Attest: Dolores M. Wolf

Richard B. Cassidy  
President of Council

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

For the Village of Spencer, Ohio

Attest: Dolores M. Wolf

Richard B. Cassidy, Date March 11, 1981  
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, Dolores M. Wolf, as clerk of the Village of Spencer, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said Village on the 11th day of March, 19 81, 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 hereof are of record in Ordinance Record No 81, Page 1.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal, this 11th day of March, 19 81.

(SEAL)

Dolores M. Wolf  
Clerk

VILLAGE of Spencer, Ohio.