

R-7-89

A RESOLUTION TO AUTHORIZE THE MAYOR AND THE BOARD OF TRUSTEES FOR PUBLIC AFFAIRS OF THE VILLAGE OF SPENCER, OHIO TO NEGOTIATE WITH THE RURAL LORAIN COUNTY WATER AUTHORITY TO BE THE PERMANENT AND TOTAL SUPPLIER OF WATER FOR THE VILLAGE OF SPENCER

WHEREAS, it is anticipated by the Village of Spencer, Ohio that future governmental regulations and requirements concerning the water supply for the Village of Spencer, Ohio will make it unfeasible for the Village to supply its own water; and

WHEREAS, the Rural Lorain County Water Authority services the Village of Spencer area and has an emergency tie in with the Village of Spencer Water System;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Village of Spencer, Ohio as follows:

1. The Mayor and the Board of Trustees for Public Affairs of the Village of Spencer, Ohio are hereby authorized and directed to negotiate with the Rural Lorain County Water Authority for a contract to permanently connect the two (2) water systems and for the Rural Lorain County Water Authority to be the permanent and exclusive supplier of water to the Village of Spencer Water System.

2. The Mayor and the Board of Trustees for Public Affairs of Spencer, Ohio shall report to the Council of

the Village of Spencer as soon as practical to do so with
recommendations for a permanent contract with the Rural
Lorain County Water Authority.

PASSED: November 29, 1989

MAYOR

Sidney E. Lopez

ATTEST:

VILLAGE CLERK _____

LAW OFFICES

EANDREVIN & HUBER

600 EAST SMITH ROAD

MEDINA, OHIO 44256

(216) 725-4114

AN ORDINANCE TO COOPERATE WITH THE DIRECTOR OF TRANSPORTATION FOR IMPROVEMENT OF SOUTH MAIN STREET (S.R. 301), TO APPROPRIATE FUNDS THEREFORE AND TO DECLARE AN EMERGENCY

NAME OF STREET South Main Street ORDINANCE NO. 8-89
ROUTE NO. S.R. 301 DATE OF ENACTMENT July 26, 1989

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 resurfacing of S.R. 301, within the village limits of Spencer, with 3/4" 404, 1" 404, crack sealers, patching bridge, replace bridge railing, and center and edge lines.

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 amount of \$815.05 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 III (Authority to Sign)

That the Mayor of said Village, is hereby authorized to enter 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 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 within project limits during paving.

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, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) 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: July 26, _____, 19 89.

Attest: Dolores M. Wolf
Clerk

[Signature]
Mayor
[Signature]
President of Council

CERTIFICATE OF COPY

STATE OF OHIO

Village of Spencer _____ SS

County Medina _____

I, Dolores Wolf, 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 July 25th day of 19 89, 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 ~~XXXXXXX~~ the Spencer Village Records.

(SEAL)

[Signature]
Clerk

Village of Spencer, Ohio.

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

For the Village of Spencer, Ohio.

Attest: _____

[Signature], Date 7/26/89
Contractual Officer - Mayor

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation