

RESOLUTION NO. 5-44

CERTIFICATION OF AVAILABILITY OF RIGHT OF WAY UTILITY REARRANGEMENT AGREEMENTS AND SAVING THE STATE OF OHIO HARMLESS FROM ANY AND ALL DAMAGES OR CLAIMS THEREOF, ARISING FROM OR GROWING OUT OF THE IMPROVEMENT OF STATE HIGHWAY NO. 1, SECTION BEXLEY (PT) (EAST MAIN STREET), FRANKLIN COUNTY, OHIO.

WHEREAS, the State of Ohio, through its Department of Highways has arranged for the improvement of State Highway No. 1, Section Bexley (pt) East Main Street, Franklin County, Ohio, which route is within the City of Bexley, and

WHEREAS, the Department of Highways requires, prior to the actual construction of the said improvement, a resolution from the Council of the City of Bexley certifying that sufficient right-of-way is available for the construction of the said improvement, and

WHEREAS, The Department of Highways requires, prior to the actual construction of the said improvement, a certification from the City of Bexley that the said City has made arrangements with and obtained agreements from any and all public utility companies having lines of any nature whatsoever within the limits of the said improvement which will be affected by or will interfere with the construction thereof, and the said companies will remove and/or rearrange any such lines or structures immediately after request by the City or the Department, and that the City shall save the State harmless from any and all damages or claims thereof, arising from or growing out of such necessary utility plant rearrangements, and

WHEREAS, the Department of Highways requires, prior to the actual construction of the said improvement, a certification from the City of Bexley that the said City will make any and all necessary rearrangements or agreements for rearrangements in water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities, and/or any appurtenances thereto, at its own expense, as may be necessary to make said mains and service lines and sanitary sewers conform to the said improvement, and

WHEREAS, in order to expedite the performance of said improvement, an emergency exists which requires that this resolution shall take effect and be in force from and after the date of its adoption.

NOW THEREFORE, be it resolved by the City of Bexley, Ohio, three-fourths of its members concurring:

SECTION NO. 1. That in the consideration of the State of Ohio, through its Department of Highways improving State Highway No. 1, Section Bexley (pt) (East Main Street), Franklin County, Ohio, being 5440 lineal feet in the City of Bexley _____ between Station _____ and Station _____ see plans, _____ which work is to be done in accordance with the plans and specifications therefor, it is hereby agreed that the necessary right-of-way for the construction of the improvement is available.

SECTION NO. 2. That arrangements have been made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and the said companies having 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 for the said improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by the City or the Department, and the City of Bexley hereby agrees that the said Department of Highways and State of Ohio, shall be and are hereby saved harmless from any and all damages, or claims thereof, arising from or growing out of the rearrangement of said utility company lines and structure.

SECTION NO. 4. By reason of the emergency set forth in the preamble hereof this resolution shall take effect and be in force at once.

SECTION NO. 5. That the Clerk of the City of Bexley Council be and he is hereby authorized and directed to certify a copy of the resolution to the Director of Highways, Columbus, Ohio.

S. W. Roderick
Attest S. W. Roderick
Clerk

F. H. Bonnet
F. H. Bonnet
President of Council

W. S. Schneider
Approved W. S. Schneider
Mayor

Date August 24, 1944.

314

5NUEZ