

ORDINANCE NO. 5-85

By William N. Jones

An ordinance to give consent to the Director of the Ohio Department of Transportation to replace the deteriorated deck on the Main Street Bridge over Alum Creek and to declare an emergency.

WHEREAS, the City of Bexley has identified the need for and proposes the improvement of that portion of public highway described as replacement of the deteriorated deck on the Main Street Bridge over Alum Creek, utilizing existing steel superstructure and stone substructure including updating the sidewalks, pavement and guardrails with boundary terminate from 0.13 miles E of CR122 (Alum Creek Drive)-within the City of Bexley; and

WHEREAS, the City of Bexley desires cooperation from the Director of the Ohio Department of Transportation in the planning, design and construction of said improvement; NOW THEREFORE,

BE IT ORDAINED by the Council of THE CITY OF BEXLEY, OHIO.

SECTION 1. That the City of Bexley requests the cooperation of the Director of the Ohio Department of Transportation in the planning, design and construction of the above described improvements.

SECTION 2. That the City of Bexley gives consent only to the Director of the Ohio Department of Transportation to construct the above described improvements at no cost to the City of Bexley.

SECTION 3. That the Mayor and Auditor of the City of Bexley is hereby empowered and directed on behalf of the City to enter into agreements with the Director of the Ohio Department of Transportation necessary to complete the planning and construction of this improvement.

SECTION 4. That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION 5. That upon completion of said improvement the City of Bexley will thereafter keep said highway open to traffic at all times and agrees to prohibit parking within limits of the improvement.

SECTION 6. (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 which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the 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 a 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 of the Department of Transportation.

SECTION 6. continued

- (d) That it is hereby agreed that the City 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 28-A, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsection (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 Accomodation.
- (g) That said City 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 or obligations made or agreed to in Sections (a), (b), (c), (d) and (e) hereinabove.

SECTION 7. That this Ordinance is an emergency measure for the need of expediting this improvement to promote highway safety for the immediate preservation of the public peace, health and safety, and this Ordinance shall go into full force and effect upon its passage and approval by the Mayor.

Passed: January 28, 1985

John H. Madison
President of Council

ATTEST: John H. Madison

1st Reading - Jan. 8, 1985
2nd Reading - Jan. 22, 1985
Jan. 28th - Adopted

APPROVED: Jan 28, 1985
David H. Madison
David H. Madison, Mayor

CERTIFICATE OF COPY

STATE OF OHIO

City of Bexley SS
County of Franklin

I, John W. Hornbecker, as clerk of the City of Bexley, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said City on the 28th day of January, 1985, 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 WITNESS WHEREOF. I have hereunto subscribed my name and affixed my official seal, this 31st day of January, 1985.

(SEAL)

John W. Hornbecker
Clerk

City of Bexley, Ohio

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

Attest: John W. Hornbecker

For the City of Bexley, Ohio.

Richard H. Medina
Contractual Officer
(Date): _____

For the State of Ohio

Attest: Phyllis J. McCleese

Warren J. Smith
Director,
Ohio Department of Transportation
(Date): 2-27-85