

ORDINANCE NO. 35-81

BY: John W. Gage

An emergency ordinance enacted by the City of Bexley, Franklin 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:

Clifton Avenue, County Road Number 675-replace existing structurally deficient and functionally obsolete superstructure and necessary approach work on the existing alignment and grade. The new superstructure will provide 28' of pavement F/F of curb with 5' sidewalks on the structure.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That it is declared to be in the public interest that the consent of the City of Bexley 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. This is for consent only on that portion of the improvement located within the City of Bexley.

Section 2. That the City of Bexley hereby proposes to cooperate with the State of Ohio, in the cost of the above described improvement as follows:

Consent only with no financial participation required. Franklin County to act as Contractual Agent with the Director of Transportation for the implementation of the improvement.

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 Transportation necessary to complete the planning and construction of this improvement.

Section 4. That traffic control signals will not be installed on the project without prior approval of the State.

Section 5. That upon completion of said improvement the City of Bexley 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 obstruction 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.
- (d) Prohibit parking within the limits of the improvement.

Section 6. That the right-of-way, utility rearrangement and saving the State of Ohio harmless of damages shall be as follows:

- (a) That all existing street and public right-of-way within the City of Bexley which is necessary for said improvement, shall be made available therefor.
- (b) That Franklin 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 the City of Bexley or the Department of Transportation.
- (d) That it is hereby agreed that the City of Bexley 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 improvements and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer. However, it is the understanding of the City of Bexley that there are no water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, located within the boundaries of the proposed project.
- (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 City of Bexley 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 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: Oct 27, 1981

Condynt Wood-Christy  
President of Council

ATTEST: John W. Hornberger  
Clerk of Council

APPROVED: Oct 27, 1981

David H. Madison  
David H. Madison, Mayor

CERTIFICATE OF COPY

STATE OF OHIO

City of Bexley SS  
County Franklin

I, John W. Hornberger, 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 ~~27~~ 27 day of ~~October~~ November, 1981, 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. \_\_\_\_\_, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 24<sup>th</sup> day of NOVEMBER, 1981.

(SEAL)

John W. Hornberger  
Clerk  
City of Bexley, Ohio

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

Attest: John W. Hornberger

For the City of Bexley, Ohio.  
David H. Madison, Date Nov 24, 81  
Contractual Officer

For the State of Ohio

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