

FILE COPY

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BY William J. Decker ORDINANCE NO. 5 - 87

An ordinance to give consent to the Director of the Ohio Department of Transportation to replace the deficient Broad Street Bridge over Alum Creek.

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 existing deficient structure over Alum Creek, on existing profile alignment, with minimal approach work and necessities, to match the existing approach roadway with boundary termini = Columbus, E. from 0.08 miles E. of Nelson Road (U.S. - 62), and

WHEREAS, the City 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 CITY OF BEXLEY, OHIO:

Section 1. That the City of Bexley hereby requests the cooperation of the above described improvement with no financial participation by the City.

Section 2. That it is declared to be in the public interest that the consent of said City 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. Consent Only.

Section 3. That the Mayor and the Auditor of the City of Bexley, are 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 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, said City, will thereafter keep said highway open to traffic at all times, and

- (a) 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
- (b) 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.
- (c) Regulate parking in the following manner: Prohibit parking within the limits of the bridge improvement.

OK  
GJ

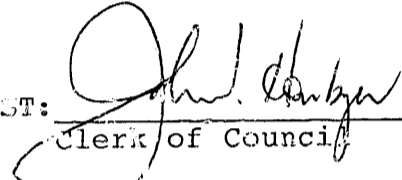
Section 6. The Right-of-Way, Utility Rearrangement and Saving the State of Ohio Harmless of Damages shall be provided as follows:

- (a) That all existing street and public right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor;
- (b) That the State 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 structure 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 or the Department of Transportation;
- (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 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 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 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.

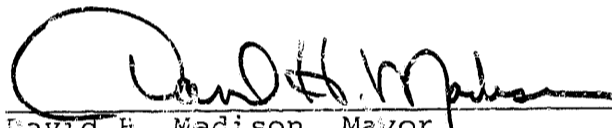
Section 7. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: February 10, 1987

  
\_\_\_\_\_  
President of Council

ATTEST:   
\_\_\_\_\_  
Clerk of Council

APPROVED: Feb. 10, 1987

  
\_\_\_\_\_  
David H. Madison, Mayor

Jan. 13, 1987 - 1<sup>st</sup> reading  
Jan. 27, 1987 - 2<sup>nd</sup> reading  
Feb. 10, 1987 - 3<sup>rd</sup> reading  
Adopted

CERTIFICATE OF COPY

STATE OF OHIO

City of Bexley SS

County 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 10<sup>th</sup> day of FEBRUARY, 1987, 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. 5-87, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 10<sup>th</sup>, day of MARCH, 1987.

(SEAL)

John W. Hornbecker  
Clerk

City of Bexley, Ohio

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

For the City of Bexley, Ohio

Attest: \_\_\_\_\_

D. Madson, DATE 2/11/87  
Contractual Officer

For the State of Ohio

Attest: Barbara M. King

Warren J. Smith, Date 9-16-87  
Director, Ohio Dept. of Transportation