

ORDINANCE NO. 20 -92BY: Richard F. Weber

An Ordinance to request the cooperation of the Director of the Ohio Department of Transportation in the resurfacing and the replacement of curbs on Drexel Avenue (US Route 40) from Broad Street to Main Street and to declare an emergency.

WHEREAS, the City of Bexley has identified the need for, and proposes the improvement of, the public highway which is described as follows:

By applying an asphaltic overlay, plane the curb lanes and curb ramps, perform necessary sidewalk repairs, and place permanent pavement markings on Drexel Avenue (US Route 40) beginning at Broad Street (S.L.M. 15.99) and ending at Main Street (S.L.M. 16.84).

WHEREAS, the City of Bexley 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 Director of Transportation in the cost of the above described improvement; and,

Section 2. That it is declared to be in the public interest that the consent of said City be, and such consent hereby is, given to the Director of Transportation to construct the above described improvement, in accordance with the plans, specifications and estimates as approved by the Director.

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

Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

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,

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.

Section 6. That all existing street and public right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.

Section 7. That the City will acquire any additional right-of-way required for the construction of the aforesaid improvement.

Section 8. 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 or the Department of Transportation.

Section 9. 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 DH-P-411 inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangement shall be done at such time as requested by the Department of Transportation Engineer.

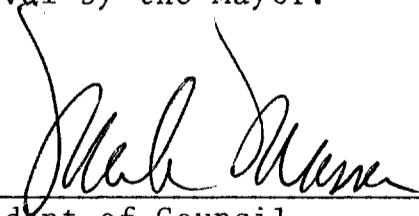
Section 10. That the construction, reconstruction and/or rearrangement of both publicly and privately owned utilities, referred to in Sections 8 and 9 above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling 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.

Section 11. 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.

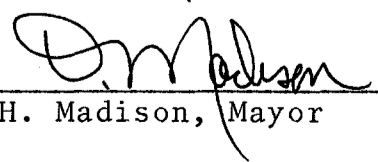
Section 12. That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections 6, 7, 8, 9, 10 and 11 hereinabove. 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 6, 7, 8, 9, 10 and 11 hereinabove.

Section 13. That this Ordinance is hereby declared to be an emergency measure by reason of the need for expediting these improvements for Spring construction and shall go into force and effect upon its passage and approval by the Mayor.

Passed: March 10, 1992

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

Attest:   
\_\_\_\_\_  
Clerk of Council

Approved: March 10, 1992  
  
\_\_\_\_\_  
David H. Madison, Mayor

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CERTIFICATE OF COPY

STATE OF OHIO

City of \_\_\_\_\_SS

County \_\_\_\_\_

I, \_\_\_\_\_, as Clerk of the City of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, that the publications 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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Clerk

City of \_\_\_\_\_, Ohio

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

For the City of \_\_\_\_\_, Ohio

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

\_\_\_\_\_, Date\_\_\_\_\_  
Contractual Officer

For the State of Ohio

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

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

ORDINANCE NO. 19 -92

By: John M. Brennan

An ordinance to transfer \$56,500 from the unencumbered General Fund to the Capital Improvements Fund, to transfer \$56,500 from the Capital Improvements Fund to the Bond Retirement Account for the purpose of paying principal and interest which will be due on certain notes of the City during 1992, and to authorize the reimbursement of the unencumbered General Fund from income tax receipts to be allocated to the Capital Improvements Fund during 1992.

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

Section 1. That \$56,500 is hereby transferred from the unencumbered General Fund to the Capital Improvements Fund and that said amount is hereby also transferred from the Capital Improvements Fund to the Bond Retirement Account.

Section 2. That the funds deposited in the Bond Retirement Account shall be applied to pay principal of \$40,000 due on outstanding notes on December 1, 1992, interest of \$5,500 due on June 1, 1992 and interest of \$11,000 due on December 1, 1992.

Section 3. That the Auditor is hereby authorized to reimburse the unencumbered General Fund up to the amount of \$56,500 transferred to the Capital Improvements Fund for the purposes specified in Section 2 from income tax receipts of the City received during 1992 and allocated to the Capital Improvements Fund.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: April 14, 1992

Mark Mune  
President of Council

Attest: [Signature]  
Clerk of Council

Approved: April 14, 1992

D. Madison  
David H. Madison, Mayor

Mar. 10, 1992 - 1<sup>st</sup> reading  
Mar. 24, 1992 - 2<sup>nd</sup> reading  
Apr. 14, 1992 - 3<sup>rd</sup> reading  
Adopted