

NAME OF STREET ORCHARD ST/NORTH AVE ORDINANCE NO. 1999-3

ROUTE NO. STATE ROUTE NO. 774 DATE OF ENACTMENT JANUARY 11, 1999

An emergency ordinance enacted by the Village of **HAMERSVILLE**
BROWN County, Ohio, in the matter of the hereinafter described
improvement, and to request cooperation from the Director of Transportation.

WHEREAS, the Village has identified the need for and proposes the improvement of a portion of
the public highway which is described as follows:

IT IS PROPOSED TO MAINTAIN AND PRESERVE THE PAVEMENT ON A SECTION OF
STATE ROUTE NO. 774 IN BROWN COUNTY BY MAKING THE NECESSARY
REPAIRS AND BY OVERLAYING THE EXISTING PAVEMENT WITH ASPHALT
CONCRETE. A PORTION OF THIS IMPROVEMENT FALLS WITHIN THE
CORPORATION LIMITS OF THE VILLAGE OF HAMERSVILLE, BEGINNING AT THE
SOUTHWEST CORPORATION LIMIT AND EXTENDING TO THE NORTHEAST
CORPORATION LIMIT. THE APPROXIMATE PAVING LENGTH WITHIN THE VILLAGE
IS 0.35 MI.

said portion of highway within the municipal corporation limits being hereinafter referred to
as the improvement, and

WHEREAS, the Village 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 Village of **HAMERSVILLE**, Ohio:

SECTION I (Cooperation)

That said Village hereby requests the cooperation of the Director of Transportation, in the cost of
the above described improvement as follows:

THE STATE SHALL ASSUME AND BEAR 100% OF THE COST OF THE IMPROVEMENT.

SECTION I - A

That the X X X X is
hereby appropriated for the improvement of the highway as described hereinabove, by the Village.

SECTION II (Consent)

That it is declared to be in the public interest that the consent of said Village 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.

SECTION III (Authority to Sign)

That the **MAYOR** of said Village, is hereby authorized
to enter into maintenance and parking agreements and special contractual obligations.

SECTION IV (Maintenance, Parking Traffic Control Signals and Devices)

That upon completion of said improvement, said Village, 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 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
- (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; and
- (d) Regulate parking in the following manner:

PROHIBIT PARKING IN ACCORDANCE WITH SECTION 4511.66 OF THE OHIO REVISED CODE, UNLESS OTHERWISE CONTROLLED BY LOCAL ORDINANCE OR RESOLUTION.

SECTION V

(Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public way right-of-way within the Village which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State/Village 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 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 Village or the Department of Transportation.
- (d) That it is hereby agreed that the Village 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 the Ohio Department of Transportation Utilities Manual 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.
- (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 Title 23 CFR 645 Subpart B Utility Relocation and Adjustment and the Department of Transportation's Utilities Manual.
- (g) That the Village 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 Village's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) 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 (a), (b), (c), (d), (e) and (f) hereinabove.

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: JANUARY 11, _____, 1999 .

Attest: _____
Clerk MARTHA HANES

Attest: _____

Duane C. Neu
Mayor DUANE C. NEU
Wyndal E. Staggs
President of Council WYNDAL STAGGS

CERTIFICATE OF COPY

STATE OF OHIO

Village of HAMERSVILLE SS

County BROWN

I, MARTHA HANES, as Clerk of the Village of HAMERSVILLE, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said Village on the 11 day of JANUARY, 19 99, 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. 1999, Page 3.

(SEAL)

Clerk MARTHA HANES

Village of HAMERSVILLE, Ohio.

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

For the Village of HAMERSVILLE, Ohio

Attest: X _____
MARTHA HANES

X Duane C. Neu, Date 1-11-99
Contractual Officer DUANE C. NEU

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation

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Passed: JANUARY 11, 1999.

Attest: Martha Hanes
Clerk MARTHA HANES

Attest: Martha Hanes

Duane C. Neu
Mayor DUANE C. NEU
Wyndal E. Staggs
Resident of Council WYNDAL STAGGS

CERTIFICATE OF COPY

STATE OF OHIO

Village of **HAMERSVILLE**

SS

County **BROWN**

I, MARTHA HANES, as Clerk of the Village of **HAMERSVILLE** Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said Village on the 11 day of JANUARY, 1999, 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. 1999, Page 3.



Martha Hanes
Clerk

Village of **HAMERSVILLE**, Ohio.

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

For the Village of **HAMERSVILLE**, Ohio

Attest: Martha Hanes

Duane C. Neu, Date 1/11/99
Contractual Officer

For the State of Ohio

Attest: Katrina L. Betts

Gordon Proctor p271, Date 4/23/99
Director, Ohio Department of Transportation