

NAME OF STREET Orchard St. & North Ave. ORDINANCE NO. 264
ROUTE NO. SR 774 DATE OF ENACTMENT Feb. 7, 1992

An emergency ordinance enacted by the ~~City~~ Village of Hamersville,
Brown County, Ohio, in the matter of the hereinafter described improvement,
under the supervision of the Director of Highways.

WHEREAS, the Director of Highways is considering improving a portion of the public highway
which is described as follows:

By applying an asphalt concrete surface course on SR 774
(Orchard Street & North Avenue) between the south corporation
line and the north corporation line. Length 1848 feet. Width
18 feet. Approximate thickness 1½".

NOW THEREFORE, Be it ordained by the Council of the ~~City~~ Village of Hamersville,
Ohio:

SECTION I (Consent)

~~City~~ ~~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 Highways to construct the above described improvement, in
accordance with plans, specifications and estimates as approved by the Director.~~

SECTION II (Cooperation)

~~City~~ That said Village hereby proposes to cooperate with the State of Ohio, in the cost of the above
described improvement as follows:

A Lump Sum Of Four Hundred Sixty-Five Dollars (\$465.00)

SECTION II-A

That the sum of four hundred sixty-five dollars (\$465.00)
is hereby appropriated for the improvement of the highway as described hereinabove.

SECTION III (Authority to Sign)

That the Mayor ~~City~~ of said Village, is hereby authorized to enter
(Contractual Officer's Title)
into maintenance and parking agreements and special contractual obligations.

SECTION IV (Maintenance and Parking)

That upon completion of said improvement, said ~~City~~/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) Regulate parking in the following manner:

Prohibit parking on the pavement of Orchard Street and North Avenue (SR 774) between the south corporation line and the north corporation line. Length 1848 feet. Pavement width 18 feet.

SECTION V (Traffic Control Signals and Devices)

That traffic control signals will not be installed on the project without prior approval by the State and the ~~City~~/Village will 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 VI (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~~/Village which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the ~~State~~/Municipality 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~~/Village or the Department of Highways.
- (d) That it is hereby agreed that the ~~City~~/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, 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 Highways 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 Highway 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 Bureau of Public Roads Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments "
- (g) That said ~~City~~/Village hereby agrees that the said Department of Highways 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 VII (Emergency Clause)

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.

Vote on suspension of the rule requiring an ordinance to be fully and distinctly read on three different days:

(Requires a yea vote by three-fourths of all elected members)

Yeas 6 Nays 0

Vote on emergency clause: Yeas 6 Nays 0

Passed Feb 7 19 72 Yeas 6 Nays 0
As an emergency measure.

Passed: Feb. 7, 19 72.

Attest: Margaret Wilson
Clerk

Attest: Lawrence D. Talbot

[Signature]
Mayor
Mary E. Hanselman
President of Council

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

For the ~~City~~ Village of Hamersville, Ohio

Attest: _____

_____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Highways

CERTIFICATE OF COPY

STATE OF OHIO

~~City~~ Village of Hamersville SS

County Brown

I, Margaret Wilson, ~~City~~ Hamersville
Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said City/Village on the 7th day of Feb., 19 72, 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

7th day of Feb., 19 72.

(SEAL)

Margaret Wilson
Clerk

~~City~~ VILLAGE of Hamersville, Ohio.

FISCAL OFFICER'S CERTIFICATE

Expenditures for State Highways within Municipal Corporations.

Note: This certificate shall be made with seal affixed, in duplicate and filed with the Division Deputy Director of Highways.

I hereby certify that $7\frac{1}{2}\%$ funds received as set forth in Sec. 5735.28

Ohio Revised Code are as follows:

(1)	Available and anticipated in fiscal year	\$ <u>1661.00</u>
(2)	Expended to date	\$ <u>0</u>
(3)	Funds committed for other maintenance	\$ <u>750.00</u>
(4)	Available for expenditure	\$ <u>1411.00</u>
(5)	Funds anticipated for use on _____	
	Route No. <u>SR 774</u> project.*	\$ <u>465.00</u>

*Not less than (4)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as fiscal officer this 7th day of Feb., 19 72.

Margaret Wilson

(Fiscal Officer's Seal) Fiscal Officer of Hamersville, Ohio.

FISCAL OFFICER'S CERTIFICATE

I hereby certify that the money, to wit: \$ 465.00,
required for the payment of the cost other than that part thereof assumed by
the State of Ohio for improving a portion of the public highway which is
described as follows:

By applying an asphalt concrete surface course on SR 774
(Orchard Street & North Avenue) between the south corporation
line and the north corporation line. Length 1848 feet. Width
18 feet. Approximate thickness 1 1/2".

has been lawfully appropriated for such purpose and is in the treasury to the
credit of, or has been levied, placed on the duplicate and in process of collection
for the appropriate fund and not appropriated for any other purpose; or is being
obtained by sale of bonds issued on account of said improvement, which bonds are
sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the
legislative authority of Hamersville, Ohio, after said legis-
lative authority passed the ordinance/resolution in connection with the within
described project; and that this certificate was forthwith recorded in the record
of proceedings of said legislative authority, namely: Legislative Authority's
Journal, volume _____, at page 146.

(Fiscal Officer's Seal)

IN WITNESS WHEREOF, I have hereunto set my hand
and official seal as said fiscal officer, this
7th day of Feb., 1972

Margaret Wilson
Fiscal Officer of Hamersville, Ohio.