

ORDINANCE NO. 2000-1

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE U.S. 42/BUTLER-WARREN ROAD INTERSECTION

WHEREAS, the State of Ohio has agreed to improve U.S. Route 42/Butler-Warren Road intersection; and

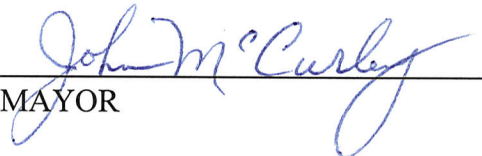
WHEREAS, the City further desires cooperation from the Director of Transportation in the planning, design and construction of said improvements.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, **seven (7)** members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to enter into an agreement with the State of Ohio under the terms and conditions set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to proceed with the work on U.S. Route 42/Butler-Warren Road at the earliest possible date.

Passed this 10th day of January, 2000.


MAYOR

ATTEST:


CLERK OF COUNCIL

12/17/99

NAME OF STREET _____ ORDINANCE NO. 2000-1
ROUTE NO. US 42 DATE January 10, 2000

An emergency ordinance enacted by the City of Mason, Warren County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Director of Transportation.

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

Install left turn lane on US 42 and realign intersection of US 42 and Butler-Warren Roads with US 42. Approximately 300 feet of proposed improvement is within Mason Corporation limit.

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

WHEREAS, the City further desires cooperation from the Director of Transportation in the planning, design and construction of said improvement.

THEREFORE, Be it ordained by the Council of the City of Mason, Ohio.

SECTION I (Cooperation)

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

No Cost to City of Mason

SECTION II (Consent)

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.

SECTION III (Authority to Sign)

That the City Manager of said City, 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 IV (Traffic Control Signals and Devices)

That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION V (Maintenance and Parking)

That upon completion of said improvement, said City , 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.
- 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 VI (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- A. That all existing street and public way 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 structures will be affected by the said necessary planned 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 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 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 Subpart B "Utility Relocations and Adjustments" and the Department of Transportation Utilities Manual.
- G. 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 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 10 Year 2000

Attest: [Signature]
Clerk

Attest: N.A.
Clerk

[Signature]
Mayor
N.A.
President of Council

CERTIFICATE OF COPY

STATE OF OHIO

City of Mason
County Warren

I, [Signature], as Clerk of the City of Mason, 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 day of January, 2000, that the publications of such ordinance have 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. 2000-1 Page 1.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 11 day of January Date 2000.

(SEAL)

[Signature]
Clerk

City of Mason, Ohio

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

Attest: [Signature]

For the City of Mason, Ohio
[Signature], Date 1/11/00
Contractual Officer

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation