LIC-37-24.19
PID 19859

CS-2 Rev. 4/9/92

Street Name	NORTH BEND	Ordinance Number	99-03
Route Number	**SR 360**	Date of Enactment	2/22/99

An emergency ordinance enacted by the Village of **Buckeye Lake, Licking** County, Ohio, in the matter of the hereinafter described improvement, and to request cooperation by 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:

Resurface on SR 360 within the Village of Buckeye Lake. Work will begin at the Fairfield/Licking County line and continue north 0.22 mile to SR 79.

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 **Buckeye Lake**, Ohio:

SECTION I (Cooperation)

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

That the consent of the Village be and such consent is hereby given to the Director of Transportation to proceed with the above improvement in accordance with plans, specifications, and estimates as approved by the Director, at no cost to 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
(Contractual Officer's Title)
maintenance and parking agreements and special contractual obligations.

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

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 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 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.

(e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsection (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: 2-22, 1994.

Attest: _____ Clerk

_____ Mayor

Attest: _____

_____ President of Council

****

CERTIFICATE OF COPY

STATE OF OHIO

Village of **Buckeye Lake** SS

County **Licking**

I, _____, as Clerk of the Village of **Buckeye Lake**, 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 _____ day of _____, 19____, 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 _____.

(SEAL)

_____ Clerk

Village of **Buckeye Lake**, Ohio.

****

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

For the Village of **Buckeye Lake**, Ohio.

Attest: _____

_____, Date _____
Contractual Officer

For the State of Ohio

ttest: _____

_____, Date _____
Director, Ohio Department of Transportation