

NAME OF STREET Third St. ORDINANCE NO. 241  
 ROUTE NO. SR 189, US 224 DATE OF ENACTMENT April 6, 1992

An emergency ordinance enacted by the Village of Ottoville,  
Putnam 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:

To pave with 1½" concrete asphalt on SR 189 (Third St.) in non-curbed sections and plane and pave 1½" in curbed sections from the junction of US 224 to the easternmost corporation limit and pave with 1½" asphalt concrete on US 224 (Third St.) in non-curbed sections and plane and pave with 1½" in curbed sections from the westernmost corporation limit to the junction of SR 189.  
 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 Ottoville,  
 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:

That the Director of Transportation will provide all of the necessary funds for the above described improvement. Castings will be raised as needed by village forces.

#### SECTION I - A

That the consent  
 is hereby ~~approved~~ for the improvement of the highway as described hereinabove, by the Village.  
 granted

#### 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 \_\_\_\_\_ of said Village, is hereby authorized  
 (Contractual Officer's Title)  
 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:

SR 189: Parking permitted on both sides between Auglaize St. and E. Canal St.

US 224: Parking permitted on both sides between Auglaize St. and Franklin St.

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 Directive No. DH-P-411.
- (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 the Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (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: April 6, 1992.

Attest: Virginia M. Kimmet  
Clerk

Patricia A. Horstman  
Mayor  
John Miles  
President of Council

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CERTIFICATE OF COPY

STATE OF OHIO

Village of Ottoville SS

County Putnam

I, Virginia M. Kimmet, as Clerk of the Village of Ottoville, 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 6th day of April, 1992, 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. 241, Page 10.

(SEAL)

Virginia M. Kimmet  
Clerk

Village of Ottoville, Ohio.

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

For the Village of Ottoville, Ohio.

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

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

For the State of Ohio

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

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

FISCAL OFFICER'S CERTIFICATE

I hereby certify that the money, to wit: \$ -0-,  
required for the payment of the cost other than that part thereof assumed by  
the State of Ohio

to pave with 1½" asphalt concrete on SR 189 (Third St.) in non-curbed sections  
and plane and pave with 1½" in curbed sections from the junction of SR 224 to  
the easternmost corporation limit and pave with 1½" asphalt concrete on US 224  
(Third St.) in non-curbed sections and plane and pave with 1½" in curbed sections  
from the westernmost corporation limit to the junction of SR 189.

Street	Approx. Length	Width
Third St. (SR 189)	1,162'	24'-50'
Third St. (US 224)	868'	40'-50'

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 Ottoville, 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 10.

(Fiscal Officer's Seal)

IN WITNESS WHEREOF, I have hereunto set my hand  
and official seal as said fiscal officer, this

6<sup>th</sup> day of April, 1992

Virginia M. Kimmet

Fiscal Officer of Ottoville, Ohio.