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# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE, 25 S. FRONT STREET, P.O. BOX 899, COLUMBUS, OHIO 43216-0899

January 30, 1997

Beryl L. Hammer, Clerk  
2 West Main Street  
New Concord, Ohio 43762

(Add 2' berms)

Re: Muskingum County - Village of New Concord  
State Route 83 - Section 0.00  
Ordinance No. G-11-96-1 passed November 25, 1996  
PID No. 16702

Dear Mr. Hammer:

Please find enclosed one copy of the executed Ordinance of the **Village of New Concord, Ohio** proposing to cooperate with the Director of Transportation and agreeing to maintenance in connection with the above referenced project.

Respectfully,

A handwritten signature in cursive script that reads "John A. Ray".

John A. Ray, Administrator  
Office of Project Coordination

JAR:ih

CS-2 Rev. 4/9/92

NAME OF STREET \_\_\_\_\_  
ROUTE NO. SR83

ORDINANCE NO. G-11-96-1  
DATE OF ENACTMENT November 25, 1996

An emergency ordinance enacted by the Village of New Concord, Muskingum 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:

**Add 2' berms spot curb repair and gutter repair, crack seal and related work on SR83. Work beginning at the southern Corporation Limit preceding to the northern Corporation Limit.**

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 New Concord, 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 maintenance and parking agreements and special contractual obligations.  
(Contractual Officer's Title)

**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
- © 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.
- © 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 Directive H-P-508.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsection © 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-aid Policy Guide 23 CFR 645A ("Utility Relocations, Adjustments and Reimbursement") 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: x November 25, 19 96.

Attest: x Beryl L. Hammer  
Clerk

R. Geo. Adams  
Mayor

Attest: x Jim Baden

Jim Baden  
President of Council

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CERTIFICATE OF COPY

STATE OF OHIO

Village of New Concord SS

County Muskingum

I, x Beryl L. Hammer, as Clerk of the Village of New Concord, 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 x 25th day of x November, 1996, 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. x NA, Page x 136 Record of Proceedings

(SEAL)

Beryl L. Hammer  
Clerk

Village of New Concord, Ohio.

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

For the Village of New Concord, Ohio.

Attest: x Jim Baden

J. White, Date x 12/16/96  
Contractual Officer

For the State of Ohio

Attest: Lana Horvath

Ray Jones, Date 1-30-97  
Director, Ohio Department of Transportation