

NAME OF STREET Applegrove StreetORDINANCE NO. 85-79

ROUTE NO. _____

DATE OF ENACTMENT June 13, 1979

An emergency ordinance enacted by the City ~~North Canton~~ of North Canton, Stark County, Ohio, in the matter of the hereinafter described improvement, under the supervision of the Director of Transportation.

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

Improvement and construction of Applegrove Street from IR-77 to North Main Street, by widening existing pavement to four (4) lanes from Pittsburgh Avenue to North Main Street and on new location from IR-77 to Pittsburgh Avenue, that portion within the Corporate limits of the City being hereafter referred to as the Improvement, and declaring the same to be an emergency.

NOW THEREFORE, Be it ordained by the Council of the City ~~North Canton~~ of North Canton, Ohio:

SECTION I (Consent)

That it is declared to be in the public interest that the consent of said City/ ~~North Canton~~ 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- IA

This Ordinance will repeal Ordinance No.21-78, passed by the City Council of the City of North Canton, Ohio on February 13, 1978.

SECTION II (Cooperation)

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

By assuming and contributing the entire cost and expense of the Improvement less the amount of Federal-Aid Funds set aside by the Director of Transportation for the financing of this Improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation: further, the City will act as Contractual Agent for said project on behalf of Stark County.

SECTION III (Authority to Sign)

That the Mayor of said City ~~North Canton~~, is hereby empowered and directed on behalf of the City ~~North Canton~~ 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 signals will not be installed on the project without prior approval by the State.

SECTION V (Maintenance and Parking)

That upon completion of said improvement, said City ~~will~~, 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 on that portion of the project that is within the City.

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/ ~~which~~ which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State/ ~~which~~ 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/ ~~which~~ or the Department of Transportation.
- (d) That it is hereby agreed that the City/ ~~which~~ 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 28-A, 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 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 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 said City/ ~~which~~ hereby agrees that the said Department of Transportation 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

Right of Way will be acquired in accordance with applicable State and Federal regulations (Title 2 and 3).

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: June 11, 1979.

Attest: Marion J. Wilson
Clerk

Attest: John Coduto

Dennis Grady
Mayor
William R. ...
President of Council

CERTIFICATE OF COPY

STATE OF OHIO

City/~~North Canton~~ of North Canton SS

County Stark

I, Marion J. Wilson, as clerk of the City/~~North Canton~~ of North Canton, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said City/~~North Canton~~ on the 11 day of June, 1979, 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. 18, Page 205.

IN WITNESS WHEREOF, I have hereunto subscribed my name and ~~affixed my official seal~~, this 19th day of June, 1979.

Marion J. Wilson
Clerk

(SEAL)

City/~~North Canton~~ of North Canton, Ohio.

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

Attest: Dennis Grady For the City/~~North Canton~~ of North Canton, Ohio.

Dennis Grady, Date 6-13-79
Contractual Officer - City of North Canton
MAYOR

For the State of Ohio

Attest: _____

_____, Date _____
Director, Ohio Department of Transportation

Published in THE SUN by
THE STARK COUNTY SUN, INC.
DATES: June 13, 1979
Marion J. Wilson
CLERK OF COUNCIL