

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 16 – 12

TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF CHEVIOT AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS REGARDING THE IMPROVEMENT OF WESTWOOD NORTHERN BOULEVARD.

WHEREAS, Section 153.61 of the Ohio Revised Code provides for agreements between any county and any municipal corporation for joint construction of public improvements; and

WHEREAS, Section 4504.04 of the Ohio Revised Code provides for the application by the municipal corporation, and the allocation and encumbering by the Board of County Commissioners, of funds available under Section 4504.05 of the Ohio Revised Code; and

WHEREAS, the Westwood Northern Boulevard is part of the Comprehensive Map of the Roadways of the County in accordance with Section 4504.03 of the Ohio Revised Code and is in need of improvement; and

WHEREAS, the City of Cheviot, pursuant to Section 4504.04 of the Ohio Revised Code, has made application in writing to the Board of County Commissioners for funds available under Section 4504.05 of the Ohio Revised Code. These funds are to cover a portion of the cost of improving the Westwood Northern Boulevard; and

WHEREAS, the City of Cheviot has filed with the County Engineer a copy of the preliminary plans and an estimate of the cost of such improvement; and

WHEREAS, the County Engineer has approved such preliminary plans and estimates of cost and found the proposed improvement to be conducive to the orderly and efficient flow of traffic within and through Hamilton County and so advised the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has allocated from funds available for such purpose as provided in Section 4504.05(B)(1) of the Ohio Revised Code a portion of the cost of such improvement; and

WHEREAS, the Board of County Commissioners shall certify to the Hamilton County Auditor the amount of any funds allocated to the City of Cheviot. Final and detailed plans or statements of work to be done shall be submitted to the County Engineer for approval. Upon approval by the Engineer, the Board of County Commissioners shall have encumbered the moneys necessary to fulfill awarded contractual or other obligations for approved project costs; and

WHEREAS, upon notification by the City of Cheviot that the work on an approved project has commenced, the Hamilton County Auditor shall draw a warrant for such encumbered amount on the Hamilton County Treasurer, payable to the City of Cheviot; and

WHEREAS, the City of Cheviot shall use all moneys received by it under Section 4504.04 of the Ohio Revised Code for the purpose for which they are encumbered and return for deposit in the fund established by division (B)(1) of Section 4504.05 of the Ohio Revised Code any moneys not so used; and

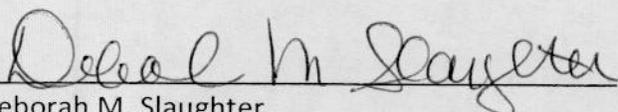
WHEREAS, a joint agreement with the Board of Hamilton County Commissioners for such improvement should be authorized and approved;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS THEREOF CONCURRING, THAT:

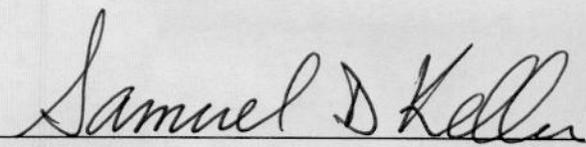
Section 1. It is hereby declared necessary and in the best interest of the City of Cheviot to execute an agreement with the Board of Hamilton County Commissioners regarding the improvement of Westwood Northern Boulevard.

Section 2. The Mayor and the Clerk of Council should be and are hereby authorized and directed to execute the attached agreement, for and on behalf of the City of Cheviot, with the Board of County Commissioners under terms and conditions listed in the agreement, attached hereto as "Exhibit A," which is deemed to be a part of this ordinance as if fully set forth herein and when so approved and executed, shall be in full force and effect.

Section 3. This ordinance shall be an emergency measure for the health, safety, and welfare of the citizens of Cheviot and shall take effect immediately. The emergency is necessary in order to allow the City of Cheviot to keep its streets in the safest condition possible.


Deborah M. Slaughter
President of Council

September 6, 2016
Date passed


Samuel D. Keller
Mayor

9-6-16
Date approved

Attest:

APPROVED AS TO FORM:

Jenny M. Eilermann
Jenny M. Eilermann
Clerk of Council

Mark G. Waters
MARK G. WATERS
LAW DIRECTOR

CERTIFICATION OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates :

- 1) 9-14, 2016, and
- 2) 9-21, 2016.

Jenny M. Eilermann
Jenny M. Eilermann
Clerk of Council

CERTIFICATION OF TRUE AND ACCURATE COPY

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that this is a true and accurate copy of the original Ordinance No. 16-12, passed by the Cheviot City Council in an open meeting in accordance with law, on September 16, 2016, and that the original ordinance is in my possession at the Cheviot City Hall.

Jenny M. Eilermann
Jenny M. Eilermann
Clerk of Council

AGREEMENT

This Agreement, made and entered into this ____ day of _____, 2016, by and between the Board of County Commissioners of Hamilton County, Ohio, acting by and through its duly authorized County Administrator, hereinafter referred to as the "COUNTY", and the CITY OF CHEVIOT, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, WESTWOOD NORTHERN BOULEVARD is within the corporate limits of the CITY OF CHEVIOT and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said that WESTWOOD NORTHERN BOULEVARD is in need of improvement, and that the proposed improvement is conducive to the orderly and efficient flow of traffic within and through the COUNTY.

NOW, THEREFORE, it is mutually agreed between the parties of said Agreement as follows:

1. The CITY will, in accordance with Sections 153.61, 4504.04 and 4504.05 of the Ohio Revised Code:
 - (a) Prepare necessary estimate, specifications, contract and construction plans for the improving of WESTWOOD NORTHERN BOULEVARD and submit it to the County Engineer for his approval.
 - (b) Acquire all necessary rights-of-way, title of which shall remain in the name of the CITY.
 - (c) Advertise for bids on the improvement.
 - (d) Award the construction contract.
 - (e) Supervise construction of the improvement.
 - (f) Pay for all costs related to the Improvement of WESTWOOD NORTHERN BOULEVARD not covered by Section 2(b).
 - (g) Use all moneys received by it under Sections 4504.04 and 4504.05, Ohio Revised Code, for the purpose for which they are encumbered.
 - (h) Return to the Municipal Road Fund, division (B) (1) of Section 4504.05, Revised Code of Ohio, the Hamilton County Motor Vehicle License Tax Fund, any surplus of the amount cited in Section 2 (b).
 - (i) Maintain and keep in repair said road after completion of improvement at CITY expense.

2. The COUNTY will, in accordance with Sections 153.61, 4504.04 and 4504.05 of the Ohio Revised Code:
 - (a) Have the estimate, specifications, contract and construction plans for the improvement reviewed by the County Engineer.

- (b) Upon approval of the estimate, specifications, contract and construction plans for the improvement by the County Engineer, encumber to the CITY from the Municipal portion of the County Motor Vehicle License Tax Fund, an amount of \$146,300.00 to cover the cost of the improvement. Said encumbrance is to be subject to final audit, review and adjustment upon completion of project.
- (c) Advise the County Auditor to draw a warrant for such encumbered amount, upon notification by the CITY OF CHEVIOT that work on the approved project has commenced, on the County Treasurer payable to the CLERK of the CITY OF CHEVIOT.

IN WITNESS WHEREOF, the parties to this agreement have set their hands this _____ day of _____, 2016.

WITNESS:

BOARD OF COUNTY COMMISSIONERS

 BY: _____
 COUNTY ADMINISTRATOR
 HAMILTON COUNTY ENGINEER

 BY: _____
 COUNTY ENGINEER

APPROVED AS TO FORM:

 COUNTY PROSECUTOR

WITNESS: THE CITY OF CHEVIOT
 ORDINANCE NO. _____

 BY: _____
 MAYOR

 BY: _____
 CLERK

APPROVED AS TO FORM:

MLG Waters 0028693
 CITY SOLICITOR

MARK G. WATERS
 LAW DIRECTOR