

CITY OF CHEVIOT
STATE OF OHIO

ORDINANCE NO. 16 - 5

TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF CHEVIOT AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF WESTWOOD NORTHERN BOULEVARD; AND TO DECLARE AN EMERGENCY.

WHEREAS, Section 153.61 of the Ohio Revised Code provides for agreements between any county and any municipal corporation for the 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 Hamilton 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 Hamilton County Board of 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 Westwood Northern Boulevard; and

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

WHEREAS, the Hamilton 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 has so advised the Hamilton County Board of Commissioners; and

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

WHEREAS, the Board of County Commissioners shall certify to the 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 County Auditor shall draw a warrant for such encumbered amount on the 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

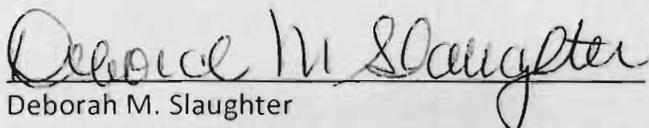
WHEREAS, a joint agreement with the Hamilton County Board of Commissioners for such improvement should be authorized and approved;

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 Hamilton County Board of Commissioners in connection with the improvement of Westwood Northern Boulevard.

Section 2: The Mayor and the Clerk should be and hereby are authorized and directed to execute the attached agreement, for and on behalf of the City of Cheviot, with the Board of Hamilton County Commissioners under the terms and conditions listed in the attached agreement, which is deemed to be a part of this ordinance as if fully set forth herein and, when so approved and executed, to 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 provide for necessary street improvement and public safety at the earliest possible time.


Deborah M. Slaughter
President of Council

June 21, 2016

Date passed

Samuel D Keller
Samuel D. Keller
Mayor

6/21/16
Date approved

Attest:

Jenny M. Eiler
Jenny M. Eilermann
Clerk of Council

APPROVED AS TO FORM:

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) June 29, 2016, and
- 2) July 5, 2016.

Jenny M. Eiler
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

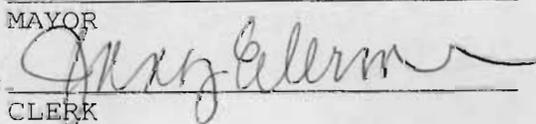
APPROVED AS TO FORM:

COUNTY PROSECUTOR

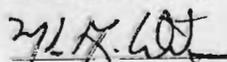
THE CITY OF CHEVIOT
ORDINANCE NO. 5

WITNESS:

BY: _____
MAYOR

BY: 
CLERK

APPROVED AS TO FORM:

 0028693

CITY SOLICITOR
LAW DIRECTOR