

CITY OF CHEVIOT
STATE OF OHIO

ORDINANCE NO. 22-22

TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF CHEVIOT AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF APPLGATE AVENUE

WHEREAS, Section 153.61 of the Ohio Revised Code provides for agreements between any County and any municipal corporation for joint construction of public improvement; 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, Applegate Avenue 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, City of Cheviot, pursuant to Section 4504.04 Revised Code of Ohio, has made application in writing to the Board of County Commissioners for funds available under Section 4504.05 Revised Code of Ohio. These funds are to cover a portion of the cost of Applegate Avenue; and

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

WHEREAS, the County Engineer has approved such preliminary plans and estimates of cost and found the proposed improvement is conducive to the orderly and efficient flow of traffic within and through the 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 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 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 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 Clerk of City of Cheviot; and

WHEREAS, City of Cheviot shall use all moneys received by it under Section 4504.04, 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, Ohio Revised Code, any moneys not so used; and

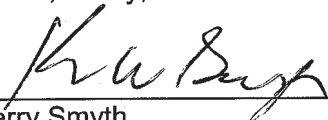
WHEREAS, a joint agreement with the Board of County Commissioners for such improvement should be authorized and approved

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 to the best interests of City of Cheviot, to execute an agreement with the Board of Hamilton County Commissioners in connection with the improvement of Applegate Avenue.

Section 2. The Mayor and the Auditor should be, and hereby are authorized and directed to execute the attached agreement, for and on behalf of City of Cheviot, with the Board of Hamilton County Commissioners under 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, 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 to improve its streets to keep the streets in the safest condition possible for the health, safety, and welfare of its citizens.



Kerry Smyth
President of Council

9/20/22


Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:



Jenny M Eilermann
Clerk of Council




Kimberlee Erdman Rohr
Law Director

CERTIFICATE 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 *Cincinnati Court Index*, 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) 9-23, 2022, and
- 2) 9-30, 2022.


Jenny M. Eilermann
Clerk of Council

AGREEMENT

This Agreement made and entered into this ____ day of _____, 2022, 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 City of Cheviot, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "CITY":

WITNESSETH:

WHEREAS, Applegate Avenue is within the corporate limits of City of Cheviot and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said that Applegate Avenue 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 Applegate Avenue 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 Applegate Avenue 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 **\$190,806.00** 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 **City of Cheviot** that work on the approved project has commenced, on the County Treasurer payable to the CLERK of **City of Cheviot**.


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IN WITNESS WHEREOF, the COUNTY and the CITY have signed this JOINT AGREEMENT as indicated in their respective acknowledgements below.

CITY OF CHEVIOT:

By: _____
Mayor, Samuel D. Keller
Title

Approved as to Form:

By: 
Law Director, Kimberlee Erdman Rohr
Title

I, Theresa Ciolino-Klein, Chief Fiscal Officer of City of Cheviot, acting pursuant to O.R.C. 5705.41, certify that the funds to meet the obligations of this is contract, have been lawfully appropriated, are in the treasury, or in the process of collection.

By: _____

Date

HAMILTON COUNTY:

By: _____
Hamilton County Engineer

Board of County Commissioners, Hamilton County, Ohio:

By: _____
County Administrator

Approved as to Form:

By: 
Assistant County Prosecutor