



NORWOOD, OHIO

Ordinance No. 32 20 19

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF NORWOOD AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS, RELATIVE TO THE IMPROVEMENT OF HIGHLAND AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, Section §153.61 of the Ohio Revised Code provides for the 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, Highland 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, the City of Norwood, 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 improving Highland Avenue; and

WHEREAS, the City of Norwood 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 the 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 Norwood. 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 Norwood 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 Clerk of Norwood; and

WHEREAS, the City of Norwood 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 Norwood, State of Ohio, that:

SECTION 1. It is hereby declared necessary and to the best interests of the City of Norwood, to execute an agreement with the Board of Hamilton County Commissioners in connection with the improvement of Highland Avenue.

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 Norwood, 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 is hereby declared to be an emergency ordinance and a measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall go into effect forthwith. The reason for said emergency is the necessity to complete the street improvement project, this year, that improves the health and safety of the City of Norwood.

PASSED 8/13/19
Date

Donna Laake
President of Council *Pro Tem*

ATTEST:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the 13th day of August, 2019 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 14 day of August, 2019.

Joseph S. Geers
Clerk of Council

APPROVED 8/15/19
Date

Thomas F. Williams
Mayor

CERTIFICATION OF PUBLICATION:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was published in the

_____ on _____ and _____.
(Name of Newspaper) (date) (date)

Joseph S. Geers
Clerk of Council

1st Reading _____
Date

2nd Reading _____
Date

3rd Reading _____
Date

All 3 Readings 8/13/19
Date

Tabled _____
Date

Vetoed _____
Date

AGREEMENT

This Agreement, made and entered into this _____ day of _____, 2019, 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 NORWOOD, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, HIGHLAND AVENUE is within the corporate limits of the CITY OF NORWOOD and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said that HIGHLAND 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 HIGHLAND 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 HIGHLAND 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 \$120,000.00 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 NORWOOD that work on the approved project has commenced, on the County Treasurer payable to the CLERK of the CITY OF NORWOOD.

IN WITNESS WHEREOF, the parties to this agreement have set their hands this _____ day of _____, 2019.

WITNESS: BOARD OF COUNTY COMMISSIONERS

BY: _____
COUNTY ADMINISTRATOR

HAMILTON COUNTY ENGINEER

BY: B. Hubbard
COUNTY ENGINEER

APPROVED AS TO FORM:

COUNTY PROSECUTOR

THE CITY OF NORWOOD
ORDINANCE NO. _____

WITNESS: _____
BY: _____
MAYOR

BY: _____
CLERK

APPROVED AS TO FORM:

CITY SOLICITOR

I, _____, CHIEF FISCAL OFFICER OF _____,
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.

FISCAL OFFICER

DATE