

ORDINANCE NO. 11 , 2019

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF MONTGOMERY AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF MONTGOMERY ROAD

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, Montgomery Road 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 Montgomery ("City"), pursuant to Section 4504.04 of the Revised Code of Ohio, has made application in writing to the Board of County Commissioners for funds available under Section 4504.05 of the Revised Code of Ohio. These funds are to cover a portion of the cost of improving Montgomery Road; and

WHEREAS, the City 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 of Montgomery Road; and

WHEREAS, the Board of County Commissioners shall certify to the County Auditor the amount of any funds allocated to the City. 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 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 through its Director of Finance; and

WHEREAS, the City 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 County Commissioners for such improvement should be authorized and approved.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. It is hereby declared necessary and to the best interests of the City of Montgomery to execute an Agreement with the Board of Hamilton County Commissioners in connection with the improvement of Montgomery Road.

SECTION 2. The City Manager and the Director of Finance should be, and hereby are authorized and directed to execute the attached Agreement, for and on behalf of the City of Montgomery, 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 take effect the earliest opportunity as allowable by law.

PASSED: September 4, 2019

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellan
Terrence M. Donnellan, Law Director

CERTIFICATE OF COPY
ORIGINAL ON FILE

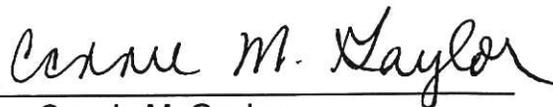
STATE OF OHIO

City of Montgomery
County Hamilton

I, Connie M. Gaylor, as Clerk of the Council of the City of Montgomery, Ohio, within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Ordinance No. 11, 2019 "*An Ordinance Authorizing an Agreement Between the City of Montgomery And the Board of Hamilton County Commissioners Relative to The Improvement of Montgomery Road*" approved by the Council of Montgomery, Ohio, in regular session the 4th day of September 2019, and approved by the Mayor in conformity with the Charter of Montgomery, Ohio. The foregoing has been compared by me with said original documents, and that the same is a true and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed by Official Seal of the City of Montgomery, Hamilton County, Ohio, this 5th day of September 2019.

(Seal)



Connie M. Gaylor
Clerk of Council
City of Montgomery, Ohio

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 Montgomery, Ohio, a municipal corporation, acting by and through its duly authorized City Manager and Director of Finance (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, Montgomery Road is within the corporate limits of the City of Montgomery and is part of the Comprehensive Map of the Roadways of the County; and

WHEREAS, Montgomery Road 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 to this 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 Montgomery Road 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 as required by law.
- (e) Supervise construction of the improvement.
- (f) Pay for all costs related to the improvement of Montgomery Road not covered by Section 2(b).
- (g) Use all moneys received by it under Sections 4504.04 and 4504.05 of the 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 of the Ohio Revised Code, 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 the City's 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 \$300,000 to cover the cost of the improvement. Said encumbrance is to be subject to final audit, review and adjustment upon completion of the project.
- (c) Advise the County Auditor to draw a warrant for such encumbered amount, upon notification by the City of Montgomery that work on the approved project has commenced, on the County Treasurer payable to the City of Montgomery through its Director of Finance.

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

WITNESS:

BOARD OF COUNTY COMMISSIONERS

By: _____
 County Administrator

By: _____
 County Engineer

APPROVED AS TO FORM:

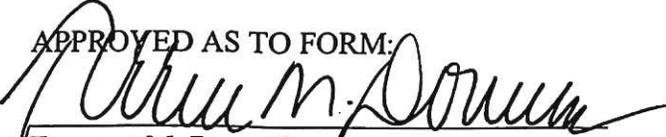
 County Prosecutor

WITNESS:

THE CITY OF MONTGOMERY, OHIO
 Ordinance No. _____

By: _____
 Brian K. Riblet, City Manager

APPROVED AS TO FORM:



 Terrence M. Donnellon
 Director of Law

CERTIFICATION

I, KATIE SMIDDY, DIRECTOR OF FINANCE OF THE CITY OF MONTGOMERY, OHIO, ACTING PURSUANT TO O.R.C. 5705.41, CERTIFY THAT THE FUNDS TO MEET THE OBLIGATIONS OF THIS CONTRACT HAVE BEEN LAWFULLY APPROPRIATED, ARE IN THE TREASURY, OR IN THE PROCESS OF COLLECTION.

Katie Smiddy, Director of Finance

Date: _____