

ORDINANCE NO. 20, 2021

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF ST. BERNARD AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF SPRING GROVE AVENUE AND DECLARING AN EMERGENCY

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, Spring Grove 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, Village of St. Bernard, 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 Spring Grove Avenue; and

WHEREAS, Village of St. Bernard 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 Village of St. Bernard. 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 Village of St. Bernard 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 Village of St. Bernard; and

WHEREAS, Village of St. Bernard 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

 ORIGINAL

AGREEMENT

This Agreement made and entered into this ___ day of _____, 202_, 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 **Village of St. Bernard**, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "VILLAGE".

WITNESSETH:

WHEREAS, **Spring Grove Avenue** is within the corporate limits of **Village of St. Bernard** and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said **Spring Grove 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 VILLAGE 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 **Spring Grove 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 VILLAGE.
 - (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 **Spring Grove 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 VILLAGE expense.

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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 VILLAGE from the Municipal portion of the County Motor Vehicle License Tax Fund, an amount of Village of St. Bernard 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 Village of St. Bernard that work on the approved project has commenced, on the County Treasurer payable to the CLERK of Village of St. Bernard.

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

Village of St. Bernard:

By: 

Title

Approved as to Form:

By: M. Sue Kathleen

Clerk
Title

Peggy Brickway Chief Fiscal Officer of Village of St. Bernard 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: Peggy Brickway

11-23-21
Date

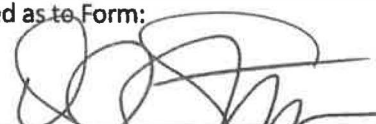
HAMILTON COUNTY:

By: _____
Hamilton County Engineer

Board of County Commissioners, Hamilton County, Ohio:

By: _____
County Administrator

Approved as to Form:

By: 

Assistant County Prosecutor