

ORDINANCE NO. 2011-41-S&S

**AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE
VILLAGE OF GREENHILLS AND THE BOARD OF
HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE
IMPROVEMENT OF WINTON ROAD BETWEEN INGRAM AND FARRAGUT ROAD
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, Winton 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 need of improvement, and

WHEREAS, the Village of Greenhills, 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 Winton Road, and

WHEREAS, the Village of Greenhills 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 the Village of Greenhills. 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 the approved project, and

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WHEREAS, upon notification by the Village of Greenhills 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 Fiscal Officer of the Village of Greenhills, and

WHEREAS, the Village of Greenhills 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, 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 Village Council of the Village of Greenhills, State of Ohio.

SECTION 1.

It is hereby declared necessary and to the best interests of the Village of Greenhills to execute an agreement with the Board of Hamilton County Commissioners in connection with the Winton Road improvements.

SECTION 2.

That the Municipal Manager and the Fiscal Officer should be, and hereby are authorized and directed to execute the attached agreement, for an on behalf of the Village of Greenhills, 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.

SECTION 3.

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare, and shall be effective immediately upon passage. The reason for said declaration of emergency is the need to begin said Winton Road improvements in a timely manner.

Passed this 6th day of September, 2011.

Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

AGREEMENT

This agreement, made and entered into this _____ day of _____, 2011 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 Village of Greenhills, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Fiscal Manager, hereinafter referred to as the "Village".

WITNESSETH:

WHEREAS, Winton road is within the corporate limits of the Village of Greenhills and is part of the Comprehensive Map of Roadways of the County, and

WHEREAS, said Winton Road between Ingram Road and Farragut Road, is in the 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 improvement of Winton 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 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 improving Winton Road 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.

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- (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, and 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.
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 \$14,300.00 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 Village of Greenhills that work on the approved project has commenced, on the County Treasurer payable to the Fiscal Officer of the Village of Greenhills.

IN WITNESS WHEREOF, the parties to this agreement have set their hands this

_____ day of _____, 2011.

WITNESS:

BOARD OF COUNTY COMMISSIONERS

BY: _____
COUNTY ADMINISTOR

BY: _____
COUNTY ENGINEER

APPROVED AS TO FORM:

COUNTY PROSECUTOR

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WITNESS:

VILLAGE OF GREENHILLS
ORDINANCE NO. _____

BY: _____
MUNICIPAL MANAGER

BY: _____
FISCAL OFFICER

APPROVED AS TO FORM:

VILLAGE SOLICITOR