

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 12-21-2021 WAIVE RULES? ☒ YES ☐ NO  
FINAL ACTION DATE: 12-21-2021 VOTE: ☒ YES ☐ NO

SUSPENSION OF TWO  
READING RULE:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>10</u>	<u>0</u>

DENISE LINGO  
JENNIFER MOODY  
ROBERT PARSONS  
JOE ROETTING  
KISHA DOSA  
CORDEL GEORGE  
DANIEL MUELLER II  
TOTALS

ADOPTION OF  
ORDINANCE:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>10</u>	<u>0</u>

ORDINANCE NO. 21-1982

**AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF MT. HEALTHY  
AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE  
IMPROVEMENT OF HAMILTON 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**, Hamilton 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 Mt. Healthy, pursuant to Section 4504.04 Revised Code of Ohio, has made application in writing to the Board of County Commissioners of funds available under Section 4504.05 Revised Code of Ohio. These funds are to cover a portion of the cost of Hamilton Avenue; and

**WHEREAS**, City of Mt. Healthy 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 City of Mt. Healthy. 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 Mt. Healthy 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 the City of Mt. Healthy; and

**WHEREAS**, City of Mt. Healthy 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 an approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MT. HEALTHY, STATE OF OHIO:**

**Section 1.** It is hereby declared necessary and to the best interests of the City of Mt. Healthy, to execute and agreement with the Board of Hamilton County Commissioners in connection with the improvement of Hamilton 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 Mt. Healthy, 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.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

## **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 **City of Mt. Healthy**, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, **Hamilton Avenue** is within the corporate limits of **City of Mt. Healthy** and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said that **Hamilton 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 **Hamilton 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 **Hamilton 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 **City of Mt. Healthy** 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 Mt. Healthy** that work on the approved project has commenced, on the County Treasurer payable to the CLERK of **City of Mt. Healthy**.


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

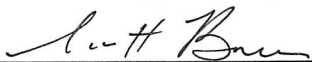
**City of Mt. Healthy:**

By:   
Title City Manager

Approved as to Form:

By:   
Title CLERK OF COUNCIL

I, Scott Bauer, Chief Fiscal Officer of Mount Healthy, 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 December 21, 2021

**HAMILTON COUNTY:**

By: \_\_\_\_\_  
Hamilton County Engineer

Board of County Commissioners, Hamilton County, Ohio:

By: \_\_\_\_\_  
County Administrator

Approved as to Form:

By:   
Assistant County Prosecutor