

ORDINANCE NO. 2012-25

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF BLUE ASH AND THE HAMILTON COUNTY BOARD OF COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF KENWOOD ROAD FROM COOPER ROAD TO CATALPA CREEK DRIVE; 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 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 Hamilton County Board of County Commissioners, of funds available under Section 4504.05 of the Ohio Revised Code (the Municipal Road Fund); and

WHEREAS, the intended improvement of Kenwood Road is part of the Comprehensive Map of the Roadways of Hamilton County in accordance with Section 4504.03 of the Ohio Revised Code and is in need of improvement; and

WHEREAS, the City of Blue Ash, pursuant to Section 4504.04 Revised Code of Ohio, has made application in writing to the Hamilton County Board of County Commissioners for grant funds available under Section 4504.05 Revised Code of Ohio. These funds are to cover a portion of the cost of improving a portion of Kenwood Road; and

WHEREAS, the City of Blue Ash has filed with the Hamilton County Engineer a copy of the preliminary plans and estimate of cost of such improvement; and

WHEREAS, the Hamilton 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 Hamilton County and so advised the Hamilton County Board of County Commissioners; and

WHEREAS, the Hamilton County 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 Hamilton County Board of County Commissioners shall certify, to the Hamilton County Auditor, the amount of any Municipal Road Funds allocated to the City of Blue Ash. Final and detailed plans or statements of work to be done shall be submitted to the Hamilton County Engineer for approval. Upon approval by the Hamilton County Engineer, the Hamilton County 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 Blue Ash that the work on an approved project has commenced, the Hamilton County Auditor shall draw a warrant for such encumbered amount on the Hamilton County Treasurer payable to the TREASURER of the CITY OF BLUE ASH; and

WHEREAS, the City of Blue Ash 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 Hamilton County Board of County Commissioners for such improvement shall be authorized and approved.

Be it ordained by the Council of the City of Blue Ash, Ohio, not less than five (5) members thereof concurring,

SECTION I.

It is hereby declared necessary, and to the best interests of the City of Blue Ash, to execute an agreement with the Hamilton County Board of County Commissioners in connection with the intended improvement of this portion of Kenwood Road.

SECTION II.

The City Manager is hereby authorized and directed to execute the attached agreement, as approved by the Solicitor, for and on behalf of the City of Blue Ash, with the Hamilton County Board of 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 III.

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Blue Ash, Ohio; the reason for the emergency being the immediate need to move forward with the improvement of a portion of Kenwood Road to meet the safety needs of the traveling public. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 26<sup>th</sup> day of April, 2012.

  
Mark F. Weber, Mayor

  
Karla Plank, Acting Clerk of Council

APPROVED AS TO FORM:

  
Mark A. Vander Laan, Solicitor

THIS IS A CERTIFIED TRUE AND CORRECT COPY:

  
Karla Plank, Acting Clerk of Council

## AGREEMENT

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, 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 BLUE ASH, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, KENWOOD ROAD is within the corporate limits of the CITY OF BLUE ASH and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said KENWOOD ROAD from Cooper Road to Catalpa Creek Drive 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 Improvement of KENWOOD 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.
  - (e) Supervise construction of the improvement.
  - (f) Pay for all costs related to improving KENWOOD 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.
  - (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.

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 \$50,000.00 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 BLUE ASH that work on the approved project has commenced, on the County Treasurer payable to the CLERK of the CITY OF BLUE ASH.

IN WITNESS WHEREOF, the parties to this agreement have set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

WITNESS:

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
BY: \_\_\_\_\_  
COUNTY ADMINISTRATOR

HAMILTON COUNTY ENGINEER

\_\_\_\_\_  
BY: \_\_\_\_\_  
COUNTY ENGINEER

APPROVED AS TO FORM:

\_\_\_\_\_  
COUNTY PROSECUTOR

WITNESS:

THE CITY OF BLUE ASH  
ORDINANCE NO. 2012-25

BY:   
CITY MANAGER

BY:   
CLERK

APPROVED AS TO FORM:

  
CITY SOLICITOR