



NORWOOD, OHIO

*Ordinance No.* 44 20 22

**ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF NORWOOD AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS, RELATIVE TO THE IMPROVEMENT OF SMITH ROAD AND CARTHAGE 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**, Smith Road and Carthage 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 Norwood, 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 improving Smith Road and Carthage Avenue; and

**WHEREAS**, the City of Norwood 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 the 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 City of Norwood. 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 Norwood 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 Clerk of Norwood; and

**WHEREAS**, the City of Norwood 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, BE IT ORDAINED by the City of Norwood, State of Ohio, that:

**SECTION 1.** It is hereby declared necessary and in the best interests of the City of Norwood, to execute an agreement with the Board of Hamilton County Commissioners in connection with the improvement of Smith Road and Carthage 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 Norwood, 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 is hereby declared to be an emergency ordinance and a measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall go into effect forthwith. The reason for said emergency is the necessity to complete the street improvement project, this year, that improves the health and safety of the City of Norwood.

PASSED 9/27/2022  
Date

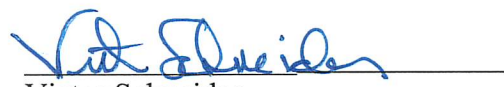
  
Ken Miracle  
President of Council

ATTEST:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the 27<sup>th</sup> day of September, 2022 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 27<sup>th</sup> day of September, 2022.

  
Joseph S. Geers  
Clerk of Council

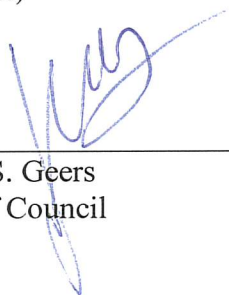
APPROVED 27 SEPT 22  
Date

  
Victor Schneider  
Mayor

**CERTIFICATION OF PUBLICATION:**

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was published in the

Circinnati Engwiler on 10/4/22 and 10/11/22.  
(Name of Newspaper) (date) (date)

  
\_\_\_\_\_  
Joseph S. Geers  
Clerk of Council

1<sup>st</sup> Reading \_\_\_\_\_  
Date

2<sup>nd</sup> Reading \_\_\_\_\_  
Date

3<sup>rd</sup> Reading \_\_\_\_\_  
Date

All 3 Readings 9/27/2022  
Date

Tabled \_\_\_\_\_  
Date

Vetoed \_\_\_\_\_  
Date

## AGREEMENT

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, 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 Norwood, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, Smith Road & Carthage Avenue is within the corporate limits of City of Norwood and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said Smith Road & Carthage 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 Smith Road & Carthage 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 Smith Road & Carthage 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 \$110,000.00 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 City of Norwood that work on the approved project has commenced, on the County Treasurer payable to the CLERK of City of Norwood.

INTENTIONALLY LEFT BLANK

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

City of Norwood:

By: \_\_\_\_\_

\_\_\_\_\_  
Title

Approved as to Form:

By: \_\_\_\_\_

\_\_\_\_\_  
Title

I, \_\_\_\_\_, Chief Fiscal Officer of \_\_\_\_\_, 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

**HAMILTON COUNTY:**

By: \_\_\_\_\_


Hamilton County Engineer

Board of County Commissioners, Hamilton County, Ohio:

By: \_\_\_\_\_

County Administrator

Approved as to Form:

By:  \_\_\_\_\_

Assistant County Prosecutor