

Sponsor: Manager Rebecca A. Hopkins

First Reading: February 13, 2017
Second Reading: February 13, 2017
Third Reading: February 13, 2017
Adopted: February 13, 2017

**VILLAGE OF LINCOLN HEIGHTS
HAMILTON COUNTY, OHIO
RESOLUTION NO 2017-R-2**

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF LINCOLN HEIGHTS AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF MANGHAM DRIVE

- 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;
- 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;
- WHEREAS,** Mangham Drive 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;
- WHEREAS,** The Village of Lincoln Heights, 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 to Mangham Drive;
- WHEREAS,** The Village of Lincoln Heights has filed with the County Engineer a copy of the preliminary plans and estimate of cost of such improvement;
- 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;
- 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;
- WHEREAS,** The Board of County Commissioners shall certify to the County Auditor the amount of any funds allocated to the Village of Lincoln Heights. 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;

WHEREAS, Upon notification by the Village of Lincoln Heights 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 Village of Lincoln Heights;

WHEREAS, The Village of Lincoln Heights 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 RESOLVED, by the Council for the Village of Lincoln Heights, Hamilton County, Ohio, that:

SECTION I It is hereby declared necessary and in the best interests of the Village of Lincoln Heights, to execute an agreement with the Board of Hamilton County Commissioners in connection with the improvement of Mangham Drive is attached hereto as **Exhibit A**.

SECTION II The Mayor and the Clerk of Council should be, and hereby are authorized and directed to execute an agreement in substantially the same form as the copy, for and on behalf of the Village of Lincoln Heights, with the Board of Hamilton County Commissioners under terms and conditions listed therein, which is deemed to be a part of this Resolution as if fully set forth herein and when so approved and executed, shall be in full force and effect.

Passed this 13th day of February, 2017.



Mayor, Village of Lincoln Heights

Attested:



Clerk of Council

RECORD OF VOTES CAST

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Richard Headen	x	—	—	—
Vice-Mayor Jeannie Stinson	x	—	—	—
Phyllis Baber	x	—	—	—
Linda Childs-Jeter	x	—	—	—
Frankie C. Dotson	x	—	—	—
Kathy A. Goodwin-Williams	x	—	—	—
Ruby Kinsey-Mumphrey	x	—	—	—

CERTIFICATION OF PUBLICATION

I hereby certify that I have published the foregoing legislation beginning on February 13, 2017 in accordance with Section 2.12 of the Charter for the Village of Lincoln Heights, Hamilton County, Ohio, by posting a complete copy of the legislation for at least 14 days after its adoption in 5 conspicuous places in the Village, to wit: 1) Healthcare Connection; 2) Seven Hills Seniors; 3) Friendship Plaza; 4) Centennial Apartments; and 5) Oak Park.



 Clerk of Council

621945.1

EXHIBIT A



AGREEMENT

This Agreement, made and entered into this 22nd day of MARCH, 2017, 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 LINCOLN HEIGHTS, Ohio, a municipal corporation, acting by and through its duly authorized Mayor and Clerk, hereinafter referred to as "VILLAGE".

WITNESSETH:

WHEREAS, MANGHAM DRIVE is within the corporate limits of the VILLAGE OF LINCOLN HEIGHTS and is part of the Comprehensive Map of the Roadways of the COUNTY; and

WHEREAS, said that MANGHAM 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 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 MANGHAM DRIVE 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 MANGHAM DRIVE 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.

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.

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- (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 \$13,000.00 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 VILLAGE OF LINCOLN HEIGHTS that work on the approved project has commenced, on the County Treasurer payable to the CLERK of the VILLAGE OF LINCOLN HEIGHTS.

IN WITNESS WHEREOF, the parties to this agreement have set their hands this 22nd day of MARCH, 2017.

WITNESS:

BOARD OF COUNTY COMMISSIONERS

[Signature]

BY:

[Signature]
COUNTY ADMINISTRATOR

HAMILTON COUNTY ENGINEER

[Signature]

BY:

[Signature]
COUNTY ENGINEER

APPROVED AS TO FORM:

[Signature]
JESSE C. RO. JAMES GINERMAN JR.
COUNTY PROSECUTOR

WITNESS:

THE VILLAGE OF LINCOLN HEIGHTS
ORDINANCE NO.

[Signature]

BY:

[Signature]
MAYOR

[Signature]

BY:

[Signature]
CLERK

APPROVED AS TO FORM:

[Signature]
CITY SOLICITOR

I, DONNA POPE, CHIEF FISCAL OFFICER OF THE VILLAGE OF LINCOLN HEIGHTS, 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.

[Signature]
FISCAL OFFICER
2/14/17
DATE