

RESOLUTION NO. 33-10
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gusham ON
THE 26th DAY OF SEPTEMBER, 2010.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH MONTGOMERY COUNTY RELATED TO THE RELOCATIONS OF THE EXISTING FIRE HYDRANTS AND THE LOWERING OF THE WATER MAIN LINES ON SHEEHAN ROAD FROM THE CORNER OF SOUTH MAIN STREET (SR 48) WEST TO BONNIE ANNE PLACE.

WHEREAS, the City of Centerville, in doing the Sheehan Road Improvements-Phase I Project, found it necessary to relocate the existing fire hydrants and the water lines; and

WHEREAS, the water mains are located in the road right-of-way and Montgomery County is responsible for the relocation of these lines; and

WHEREAS, Montgomery County has agreed to participate in the cost of the relocation and the upgrades.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized and directed to do all things necessary to execute an agreement with Montgomery County for the lowering of the water main and relocating fire hydrants along Sheehan Road from the corner of South Main Street (SR 48) West to Bonnie Anne Place and to seek reimbursement and/or cost participation from Montgomery County in an amount the City Manager deems acceptable and appropriate.

Section 2. That the City Manager is authorized to execute an agreement that is substantially similar to the Agreement attached hereto, made a part thereof and marked as Exhibit "A."

Section 3. That the Clerk is directed to send a certified copy of this Resolution to the Montgomery County Water Services Department.

Section 4. That this Resolution shall take effect at the earliest date allowed by law.

PASSED THIS 20th day of September, 2010

C. Mark Keyes
Mayor of the City of
Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 33-10, passed by the Council of the City of Centerville, Ohio on the 20th day of September, 2010.

Debra A. James
Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

COST PARTICIPATION AGREEMENT
SHEEHAN ROAD IMPROVEMENTS - PHASE I
PROJECT NO. 130054-83

THIS AGREEMENT entered into this _____ day of _____, 2010 between the Board of County Commissioners of Montgomery County, Ohio, hereinafter called the "County" and the City of Centerville, Ohio hereinafter called the "City".

WITNESSETH

WHEREAS, the City desires to widen Sheehan Road from corner of South Main Street (SR 48) west to Bonnie Anne Place within the City; and

WHEREAS, the City has modified, storm sewer, sidewalks, curb and gutter along Sheehan Road; and

WHEREAS, the County has existing water lines in the roadway and fire hydrants which will conflict with the installation of the curbs and sidewalk, thus requiring the fire hydrants to be relocated; and

WHEREAS, the project removes depth of cover for water lines on portions of Sheehan Road, requiring lowerings of water line; and

WHEREAS, the City has prepared plans for the relocations of the existing fire hydrants and the lowerings of the water line; and

WHEREAS, the City is accepting bids for the total project. Including the water work; and

WHEREAS, the County water mains are in the road right-of-way and the County is responsible for relocation costs and wishes to cost participate with the City for the water work on the SHEEHAN ROAD IMPROVEMENTS – PHASE I project; and

WHEREAS, the County has reviewed and approved the plans;

NOW, THEREFORE, in consideration of the mutual covenants herein, the parties hereby agree as follows:

COST PARTICIPATION AGREEMENT
SHEEHAN ROAD IMPROVEMENTS - PHASE I
PROJECT NO. 130054-83

ARTICLE ONE: Scope of Services (City)

The City hereby agrees to design, finance, obtain the necessary easements and right-of-ways and construct the project known as "SHEEHAN ROAD IMPROVEMENTS - PHASE I". The City agrees to have said plans reviewed and approved by the County Water Services Department. Said design and construction, of affected water utilities, shall be in full compliance with the County's Rules and Regulations and construction standards.

ARTICLE TWO: Scope of Services (County)

The county agrees to participate in the cost of lowering the water main and relocating fire hydrants in the amount not to exceed \$68,100.00. The County also agrees to furnish inspection and permits for inspection of the water work. The final County cost participation will be based on County approved pay estimates for the water work.

ARTICLE THREE: Term

The term of this agreement shall be from the date of the execution by all parties and shall terminate on December 31, 2011.

ARTICLE FOUR: Modification and Severability

This agreement constitutes a total integration of the entire understanding between the parties and shall not be modified in any manner except by an instrument in writing executed by the parties.

If any term or provision of this agreement, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such tremor provision to persons or circumstance other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this contract shall be valid and enforced to the fullest extent permitted by law.

COST PARTICIPATION AGREEMENT
SHEEHAN ROAD IMPROVEMENTS - PHASE I
PROJECT NO. 130054-83

ARTICLE FIVE: Termination

This agreement may be terminated by either party upon notice, in writing, delivered upon the other party sixty (60) days prior to the effective date of termination.

ARTICLE SIX: Signature

The County hereby acknowledges that this Agreement must be signed and returned to the Montgomery County Water Services Department by the City within thirty (30) days of receipt of said Agreement for signature or this Agreement may be cancelled and voided by Montgomery County.

COST PARTICIPATION AGREEMENT
SHEEHAN ROAD IMPROVEMENTS - PHASE I
PROJECT NO. 130054-83

IN WITNESS WHEREOF, the parties have hereto set their hands this ____ day
of _____, 2010.

WITNESS:

**BOARD OF COUNTY COMISSIONERS
MONTGOMERY COUNTY, OHIO**

Signature By _____
Judy Dodge

Signature By _____
Dan Foley

Signature By _____
Deborah A. Lieberman

OR

Signature By _____
Deborah A. Feldman,
Administrator

APPROVED AS TO FORM:
MATHIAS H. HECK, JR.
Prosecuting Attorney for Montgomery County, Ohio

By _____
Victoria Watson, Assistant Prosecuting Attorney

Date _____

WITNESS:

CITY OF CENTERVILLE, OHIO

Signature By _____
Signature

Print Name _____

Title _____

APPROVED AS TO FORM:
City Attorney

By _____
Signature