

RESOLUTION NO. 43-79
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN J. V. Stone ON THE 10th
DAY OF September, 1979.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, CONCERNING THE PARTICIPATION OF THE CITY OF CENTERVILLE WITH MONTGOMERY COUNTY, OHIO, IN PROJECTS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.

THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

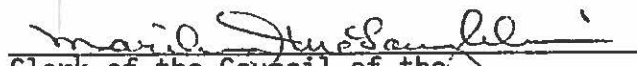
SECTION 1. That the City Manager is hereby authorized and directed to enter into an Agreement with the Board of County Commissioners of Montgomery County, Ohio relating to the participation of the City of Centerville with Montgomery County, Ohio in projects under the Housing and Community Development Act of 1974, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof.

PASSED this 10th day of September, 1979.



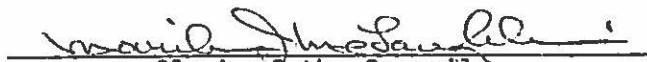
Mayor of the City of Centerville, Ohio

ATTEST:


Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of a Resolution passed by the Council of the City of Centerville, Ohio, on the 10th day of September, 1979.


Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter and constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

This agreement 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 Congress of the United States has enacted the Housing and Community Development Act of 1977, which has as its primary objective the development of viable urban communities, and whereby federal assistance will be provided for the support of community development activities which are directed toward the following specific objectives:

(1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;

(2) The elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;

(3) The conservation and expansion of the Nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;

(4) The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;

(5) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreation, and other needed activity centers;

(6) The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and

(7) The restoration and preservation of properties of special value for historic, architectural, or esthetic reasons, and

WHEREAS, both the City and the County are desirous of entering into community development activities within Montgomery County which are directed toward the above specific objectives, and for that reason, desirous of seeking such federal funding as may be available to them pursuant to the Act, and

WHEREAS, the Act contemplates and encourages the joining together by agreement of counties and municipalities with populations of less than 50,000, for the purpose of carrying out the objectives of the Act, and

WHEREAS, municipalities and counties in Ohio have authority under Section 307.15 of the Ohio Revised Code to enter into agreements whereby a board of county commissioners undertake, and is authorized by the contracting subdivision, to exercise any power, perform any function, or render any service, in behalf of the City which such City may exercise, perform or render, and

WHEREAS, the City and the County each have authority to carry out the kinds of activities which are the objectives of the Act pursuant to Section 303.26 of the Ohio Revised Code, et. seq.,

WHEREAS, the City and the County have agreed that it is in the best interests of carrying out the objectives of the Act within Montgomery County that the City and the County should join together in community development activities, and have previously entered in such an agreement for the previous program year of Community Development.

IT IS AGREED BETWEEN THE PARTIES that:

1. The County shall prepare and submit applications to the Secretary of Housing and Urban Development for a Community Development Block Grant under the terms of the Housing and Community Development Act of 1977, for the Fiscal Year 1980 and 1981 program years. These applications shall continue a community development plan, original devised in Fiscal Year 1979, which identifies community needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short and long term community development objectives, which have been developed in accordance with area-wide development planning and national urban growth policies, and otherwise conform with the specific requirements of the Act. The community development plan described above shall hereinafter be called the "plan."

2. The City may prepare recommended projects and activities for community development within its boundaries, which objectives and activities must be in accordance with the objectives of the Act and the identified community needs set forth in the plan. It is understood by the parties hereto that notwithstanding the ability of the City to prepare, submit, and recommend projects -- the County is solely responsible for the development of community development applications and that the program described in these applications must reflect the needs of the entire urban county. It is also understood between the parties that the County should have the authority and responsibility to make decisions concerning the contents of the applications, and that the projects and activities for which approval and urban county formula funding is sought under these applications shall be in conformance with the purposes of the Act and the plan. It is also understood that, prior to making decision concerning the content of the applications, the County will give careful consideration to the recommendations of the Community Development Advisory Committee concerning the community development programs.

3. The City and the County agree to cooperate in undertaking, or assisting in undertaking, essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing, provided, however, the City shall not be obligated to expend general municipal government funds for programs or facilities located beyond the geographical boundaries of the City.

4. If projects or activities within the _____ are approved and funded, pursuant to the applications, the _____ may elect the implementation of those portions of the plan which are to take place within its boundaries, or it may elect to have the County implement that portion of the plan. The parties acknowledge that, whatever the City's election, the County will have the responsibility and authority for the overall implementation of the programs and for the proper use of the urban county formula fund in accordance with the requirements of the Act.

5. The County has developed and shall maintain a uniform administrative procedure for the development of the applications. These procedures will of necessity reflect the requirements of the Secretary of Housing and Urban Development and the regulations which the Secretary may develop for the distribution and expenditure of urban county formula funds.

6. This agreement shall not be terminated by either party before the end of the program years covered by the County's Fiscal Year 1981 application, except as a result of HUD action, or as indicated in Paragraph 11 of this agreement.

7. If the parties have agreed upon a community development project or activity which has been included in a plan which has been approved by HUD, neither party may disapprove such activity after the plan in which it was included has been approved by HUD unless reasonable and just cause to terminate or disapprove the project or activity is presented in writing to the Board of County Commissioners at least 45 days prior to the proposed termination or disapproval and the Board of County Commissioners acts with reasonable and just cause to terminate or disapprove the project or activity at least 15 days prior to the proposed termination or disapproval.

8. The City authorizes the County to do on behalf of the City what the City could do for itself in the making of the application for, and the expenditure of, urban county Community Development Block Grant funds.

9. Notwithstanding any of the above covenants, it is understood between the parties that no community development projects or activities will be implemented within the jurisdiction of any incorporated area unless such projects have been recommended and approved by the governing body of said incorporated area.

10. If any provision of this Agreement is invalidated by a Court of competent jurisdiction, either party may elect to terminate this agreement.

11. Notwithstanding any of the above covenants, it is understood between the parties that the _____ reserves the right to opt-out of the urban county Community Development Block Grant Program for Fiscal Year 1981 during the urban county qualification process beginning August 20, 1980 and ending October 1, 1980.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 1979.

WITNESSES:

BOARD OF COUNTY COMMISSIONERS
OF MONTGOMERY COUNTY, OHIO

BY _____

BY _____

Its _____

APPROVED:

LEE C. FALKE,
Prosecuting Attorney of
Montgomery County, Ohio

BY _____
Chris Van Schaik
Assistant Prosecuting Attorney