

RESOLUTION NO. 2-77
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN J.V. Stone ON THE 24th DAY OF January, 1977.

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 24th day of January, 1977.

Victor A. Green
Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn J. McLaughlin
Clerk of the Council of the
City of Centerville, Ohio

C E R T I F I C A T E

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 24th day of January, 1977.

Marilyn J. McLaughlin
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

AGREEMENT

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 1974, 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, recreational, 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., and Resolution # 476

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 first program year of Community Development.

IT IS AGREED BETWEEN THE PARTIES that:

1. The County shall prepare and submit an application to the Secretary of Housing and Urban Development for a grant under the terms of the Housing and Community Development Act of 1974 for the 3rd program year of Community Development. This application shall set forth a summary of a three-year community development plan 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 Section 104 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. These shall be submitted to the Community Development Advisory Committee, which has been designated by the Board of County Commissioners of the County as the reviewing agency for all proposed objectives and activities to be included in the plan. It is understood between the parties that the Community Development Advisory Committee shall make recommendations to the County for the contents of the plan and for recommended priorities among these various projects and activities which may be submitted to the Community Development Advisory Committee for municipalities of less than 50,000 population and the unincorporated areas of the County. It is also understood between the parties that the County should have the authority and responsibility to make these

decisions concerning the contents of the plan, but that the County will not submit any plan which includes projects or activities within the City's boundaries without the prior written approval of such plan by the City, and that if the projects and activities for which approval and urban county formula funding is sought under the application shall be in conformance with the purposes of the Act. It is understood between the parties that the Act places emphasis on urban areas in providing the distribution of urban county formula funds.

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 facilities or programs located beyond the geographical boundaries of the City.

4. If projects or activities within the City are approved and funded, pursuant to the application, the City 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 program 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 application and the distribution of urban county formula funds. 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. The agreement shall not be terminated by either party before the end of the program year covered by the County's fiscal year 1977 application, except as a result of HUD action.

7. If the parties have agreed upon a community development project or activity which has been included in a plan which has been submitted to HUD, neither party may disapprove such activity after the plan in which it was included has been submitted to HUD.

8. The City authorizes the County to do on behalf of the City in accordance with what the City could do for itself in the making of the application for, and the expenditure of, urban county formula funds.

9. Notwithstanding any other provision of the agreement, the City has not relinquished any of its rights, responsibilities or privileges, and may refuse implementation of any eligible activity either within or in close proximity of the City which was neither initiated or approved by the City.

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

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 197__.

WITNESSES:

BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO

By _____
By _____
By _____
By _____
Its _____

APPROVED:

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

By _____
Lillian M. Kern
Assistant Prosecuting Attorney

APPROVED AS TO FORM:

Counsel for the City of Centerville
