

RESOLUTION NO. 2775
CITY OF CENTERVILLE, OHIO

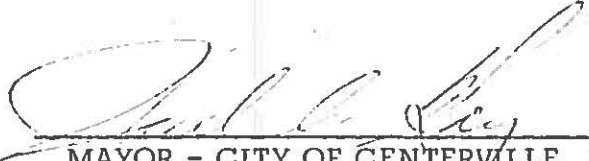
SPONSORED BY COUNCILMAN Charles McQuinn ON THE 19th DAY OF May, 1975.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO AND AN AMENDMENT TO AN AGREEMENT WITH SAID BOARD DATED JANUARY 28, 1975 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 a new Agreement with the Board of County Commissioners of Montgomery County, Ohio and an amendment of the Agreement of January 28, 1975 with said Board relating to the participation of the City of Centerville with Montgomery County, Ohio in projects under the Housing and Community Development Act of 1974, copies of which are attached hereto, marked Exhibits "A" and "B" and made a part hereof.

Passed this 19th day of May, 1975.


MAYOR - CITY OF CENTERVILLE, OHIO

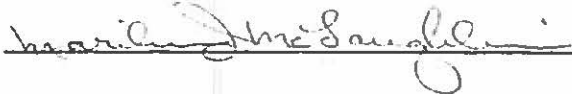
ATTEST:


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 19th day of May, 1975.

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


Robert N. Farquhar
Municipal Attorney

A G R E E M E N T

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 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 of Centerville 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 cities with populations of less than 50,000, for the purpose of carrying out the objectives of the act, and

WHEREAS, cities and counties in Ohio have authority under Section 307.15 of the Ohio Revised Code to enter into agreement 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 of Centerville, which City may exercise, perform or render, and

WHEREAS, the City of Centerville 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 _____.

WHEREAS, the City of Centerville 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 of Centerville and the County should join together in community development activities.

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. This application shall set forth a summary of a

three-year community development plan which identifies community development 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 of Centerville 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 cities 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 the County should also have the authority and responsibility to determine 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 for the distribution of urban county formula funds.

3. If projects or activities within the City of Centerville are approved and funded, pursuant to the application, the City of Centerville 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 of Centerville'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.

4. The County shall develop 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.

5. The City of Centerville authorizes the County to do on behalf of the said city, in accordance with the conditions of this agreement, all things which the City of Centerville could do for itself in the making of the application for, and the expenditure of, urban county formula funds.

6. 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:

7. 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 20th day of May, 1975.

WITNESSES:

Mary Lee Sizemore
Margaret L. Barrett

Frances A. Hoving

BOARD OF COUNTY COMMISSIONERS
OF MONTGOMERY COUNTY, OHIO

By [Signature]

By [Signature]

By Ray Wolfe

CITY OF CENTERVILLE

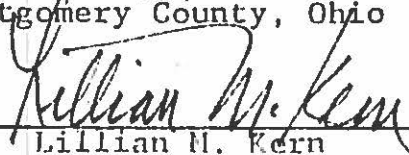
By [Signature]

Its City Manager

APPROVED:

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

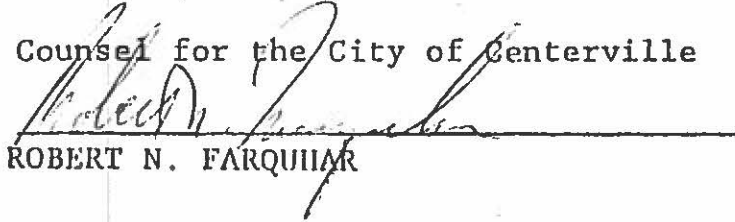
By



Lillian M. Kern
Assistant Prosecuting Attorney

APPROVED:

Counsel for the City of Centerville



ROBERT N. FARQUHAR

AMENDMENT

This Amendment to an Agreement between the BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, hereinafter called the "County" and the CITY OF CENTERVILLE, OHIO, hereinafter called "City", which agreement was executed between the parties as of the 28th day of January, 1975.

WITNESSETH:

WHEREAS, the parties have executed an agreement of cooperation for entering into community development activities within Montgomery County directed to the specific objectives of the Housing and Community Development Act of 1974, and

WHEREAS, pursuant to directives from HUD, it has become desirable for the parties to amend that agreement,

NOW THEREFORE, it is agreed between the parties that that agreement shall be amended as set out below:

1. The City and the County agree to cooperate in undertaking, or assisting in undertaking, essential county wide 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.

2. The agreement shall not be terminated by either party before the end of the program year covered by the county's fiscal year 1975 application, except as a result of HUD action.

3. 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.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 20th day of May, 1975.

WITNESSES:

Mary Lee Symore
Margaret L. Barrett

Francis A. Hoyer

BOARD OF COUNTY COMMISSIONERS
OF MONTGOMERY COUNTY, OHIO

By [Signature]

By [Signature]

By Ray Wolfe
CITY OF CENTERVILLE

By [Signature]
Its [Signature]

This instrument prepared by:

LEE C. FARKE
Prosecuting Attorney of
Montgomery County, Ohio

By [Signature]
William H. Kern
Assistant Prosecuting Attorney

APPROVED:

Counsel for the City of Centerville

[Signature]
ROBERT N. FARQUHAR