

VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2016- 28

A RESOLUTION APPROVING AND AUTHORIZING MAYOR TO EXECUTE A  
PROJECT AGREEMENT FOR THE FISCAL YEAR 2016 WARREN COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT  
PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, on December 3, 2015, this Council authorized the submission of an application to the Warren County Board of Commissioners for the Fiscal Year 2016 Community Development Block Grant (CDBG) Entitlement Program for the reconstruction of High Street from Pike Street to Forrest Avenue, and

WHEREAS, subsequently, the Board of County Commissioners awarded the Village \$259,750.00 from the County's FY2016 CDBG Program for said Project; and

WHEREAS, the Warren County Office of Grants Administration recently provided a Project Agreement which is required prior to the County awarding a contract for said project; and

WHEREAS, immediate action is required to ensure construction of the project and such action is necessary in order to preserve the public peace, health, safety or welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, at least two-thirds of all members elected thereto concurring:

**Section 1.** Approve a Project Agreement relative to the Warren County CDBG Entitlement Program, a copy of which is attached hereto, and further authorize the Mayor to execute Agreement on behalf of the Village.

**Section 2.** That the Council is acting in its administrative capacity in passing this Resolution.

**Section 3.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 4.** That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and,

this Resolution shall be in full force and effective immediately upon its passage.

**Section 5.** That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 18<sup>th</sup> day of August, 2016.

Attest: Sharon Louallen James D. Smith  
Sharon Louallen, Fiscal Officer/Clerk James D. Smith, Mayor

Rules Suspended: 8/18/2016 (if applicable) Effective Date - \_\_/\_\_/2016

Vote - 6 Yeas  
      \_\_\_ Nays

First Reading - / /2016

Effective Date - / /2016

Second Reading - / /2016

Third Reading - / /2016

Vote - \_\_\_ Yeas  
      \_\_\_ Nays

Prepared by and approved as to form:

PAUL R. REVELSON  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 08/18/2016

# PROJECT AGREEMENT

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**THIS AGREEMENT**, between the **Warren County Board of Commissioners** hereinafter referred to as "**County**" and the **Village of South Lebanon**, Warren County, Ohio, hereinafter referred to as "**Village**".

**WHEREAS**, a project or activity, described as CDBG FY2016 Village of South Lebanon – High Street Rehabilitation Project, hereinafter referred to as "**Project**", has been approved and funded in the amount of \$259,750.00 (Two hundred fifty-nine thousand seven hundred fifty dollars) under the Warren County Community Development Block Grant Program; and

**WHEREAS**, the parties desire to define their rights and duties by execution of this Project Agreement.

Now, therefore, the parties hereby agree as follows:

1. Pursuant to R.C. §307.15, the parties agree that County shall undertake to perform the Project, and is hereby authorized by Village, to exercise any power, perform any function, or render any service, on behalf of Village or its legislative authority, that Village or legislative authority may exercise, perform, or render in connection with the Project. County may assign the performance of tasks, or duties, in connection with the Project to such County officers, officeholders, departments, agencies, employees or agents as County determines is appropriate under the circumstances.
2. County is hereby granted the right to enter upon any property owned, leased, or controlled by Village for the purpose of performing the Project, subject, however, to advance notice to, and supervision by, Village.
3. Other than those funds committed to the performance of the Project pursuant to the Warren County Entitlement Program, Village shall be responsible for the costs of performing the Project, and for any claims, or expenses, which arise out of the performance of the Project, except as may be directly and proximately caused by the gross negligence of County. Village shall, upon receipt of an invoice from County, immediately reimburse County for any such costs, claims or expenses.
4. This agreement has been approved by the legislative authority of the Village by resolution or ordinance attached and made part of this Agreement.

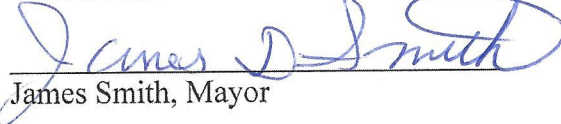
**WARREN COUNTY:**

\_\_\_\_\_  
President

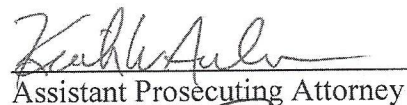
\_\_\_\_\_  
Vice President

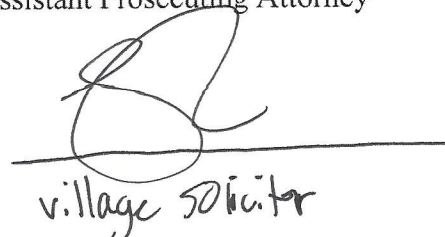
\_\_\_\_\_  
Member

**VILLAGE:**

  
James Smith, Mayor

APPROVED AS TO FORM ONLY:

  
Assistant Prosecuting Attorney

  
village solicitor