

EMERGENCY

City of Cincinnati

ALA

An Ordinance No. 400 - 2022

EESW

AUTHORIZING the City Manager to execute a *Fifth Amendment to the Warren County Water Area Contract* between the City of Cincinnati and the Board of County Commissioners of Warren County, Ohio to modify the area in the original agreement to be served by the City.

WHEREAS, the City of Cincinnati (the “City”) and the Board of County Commissioners of Warren County, Ohio (the “County”) entered into a *Warren County Water Area Contract* (as amended, the “Water Contract”) dated February 17, 1995, providing for the City to supply surplus water within certain portions of Warren County; and

WHEREAS, the City and the County entered into the *First Amendment to the Warren County Water Area Contract* on December 12, 1996, to define the Wholesale Water Area in Warren County to be the entire county; and

WHEREAS, the City and the County entered into the *Second Amendment to the Warren County Water Area Contract* on June 17, 1997, to provide for improvements including the construction of a transmission main to increase the supply of water to Warren County; and

WHEREAS, the City and the County entered into the *Third Amendment to the Warren County Water Area Contract* on February 15, 2017, to clarify the retail service boundary along Fields Ertel Road at the Cross Creek Estates residential development; and

WHEREAS, the City and County entered into the *Fourth Amendment to the Warren County Water Area Contract* effective December 23, 2020 to add certain properties in the unincorporated area of Warren County to the “Warren County Retail Water Area” as defined in the Water Contract so that they could be served by City’s Greater Cincinnati Water Works (GCWW) under the Water Contract’s terms; and

WHEREAS, certain additional properties in the unincorporated area of Warren County (listed in Exhibit A of Attachment 1 hereto) (the “Properties”) do not currently have public water service, and do not have convenient access to a Warren County Water main; and

WHEREAS, City’s GCWW has water mains in the vicinity of the Properties and is able to provide retail water service to the Properties; and

WHEREAS, the City and County desire to enter into a *Fifth Amendment to the Warren County Water Area Contract* in a form substantially similar to Attachment 1 hereto in order to add the Properties to the “Warren County Retail Water Area” as defined in the Water Contract so that they may be served by the City under the Water Contract’s terms; and

WHEREAS, pursuant to section 6(D) of the Retail Water Service Agreement between the City of Cincinnati and the City of Mason, the City of Mason has consented to the use of a portion of the Mason Water Utility infrastructure to provide service to the Properties in the unincorporated area of Warren County as described in Attachment 1 herein; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

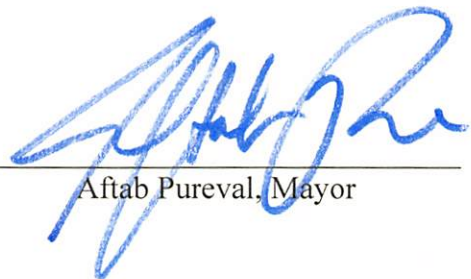
Section 1. That the City Manager is hereby authorized to execute the *Fifth Amendment to the Warren County Water Area Contract* between the City of Cincinnati (the "City") and the Board of County Commissioners of Warren County, Ohio in substantially the form of the Attachment 1 hereto (the "Amendment") to modify the area in the original water contract to be served by the City.

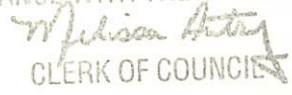
Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of the *Warren County Water Area Contract* as amended.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 4. of the Charter, be effective immediately. The reason for the emergency is the immediate need to execute the Amendment to the water contract so that the City may begin providing water service to the properties added to City's Warren County Retail Water Area at the earliest possible time.

Passed: December 21, 2022

Attest: 
Clerk


Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 400-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 1-3-2023

CLERK OF COUNCIL