

BEFORE THE COMMON COUNCIL THE CITY OF CHARLESTOWN, INDIANA
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, INDIANA
and
BEFORE THE CLARK COUNTY COUNCIL

CHARLESTOWN, INDIANA RESOLUTION NO. 2021-R-1
CLARK COUNTY BOARD OF COMMISSIONERS RESOLUTION NO. 2021-R-_____
CLARK COUNTY COUNCIL RESOLUTION NO. 2021-R-_____

**A JOINT RESOLUTION REAFFIRMING AND RE-ENACTING AN INTERLOCAL
AGREEMENT BETWEEN CLARK COUNTY AND CHARLESTOWN, INDIANA
REGARDING THE BETHANY ROAD RECONSTRUCTION PROJECT**

WHEREAS, Clark County, Indiana (the “County”) is a governmental entity and political subdivision of the State of Indiana. The *Clark County Council* (the “County Council”) is the fiscal body for Clark County, Indiana Government. The *Board of County Commissioners* (the “County Commissioners”) is the County’s executive and the legislative branch of the Clark County, Indiana government.

WHEREAS, the City of Charlestown, Indiana (the “City”) is a municipality and political subdivision of the State of Indiana. The Charlestown Common Council (the “City Council”) is the legislative and fiscal branch of City Government. The Hon. Treva Hodges is the City’s Mayor (the “Mayor”), the executive of the City.

WHEREAS, on or about May 31, 2007, the County and the City approved an *Interlocal Agreement for Road-Related Services* (the “Interlocal Agreement”) to share the costs in the reconstruction and rehabilitation of Bethany Road. A copy of that Interlocal Agreement is attached hereto, marked as “**Exhibit A**”, and incorporated by reference herein.

WHEREAS, Ind. § 36-1-7-9 states that interlocal agreements between a municipality and county concerning highway construction may not last longer than four (4) years. Due to delays in securing grant funding the road project which was the subject of the Interlocal Agreement was not completed within four (4) years.

WHEREAS, despite the Interlocal Agreement initially expiring after four (4) years, the County and City have continued to work together on the Bethany Road project and have, at all times, conducted themselves as if the Interlocal Agreement were in full force and effect.

WHEREAS, it is in the best interest of the County and City to reaffirm and re-enact the Interlocal Agreement and ratify any and all actions, payments, obligations, and approvals undertaken by the respective representatives in furtherance of and in compliance with the Interlocal Agreement.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Charlestown, Indiana, The Board of County Commissioners of Clark County, Indiana, and the Clark County Council as follows:

1. Each and every recital set forth herein is adopted into this Resolution, made a part hereof, and made operable as a result of the signatures below.

2. The Mayor and Common Council of the City of Charlestown, Indiana, The Board of County Commissioners of Clark County, Indiana, and the Clark County Council hereby reaffirms and re-enacts the terms of the Interlocal Agreement between the County and the City (See "*Exhibit A*," attached hereto). That Interlocal Agreement shall be in effect until the Bethany Road Rehabilitation Project is completed or four (4) years after the last party adopts this Resolution, whichever occurs first.

3. Paragraph III(A) of the Interlocal Agreement shall be and hereby is amended to read as follows, to wit:

A. FINANCING/COMPENSATION/REIMBURSEMENT: The County and Municipality agree to provide 20% of the project costs, which is the local match to a STP-urban federal grant for the above-mentioned reconstruction project. For those matters concerning the Engineering design (surveying, environmental studies, geotechnical evaluations, etc.) as well as the actual construction costs, each entity shall pay the local share of the costs associated with this project based solely on those improvements contained within each respective jurisdiction. Actual construction costs shall include any funds expended for the acquisition of any interest in real property for the purposes of construction.

4. The Common Council of the City of Charlestown, Indiana, the Board of County Commissioners of Clark County, Indiana, and the Clark County Council hereby ratify all past actions taken by representatives of the City and County in furtherance of and in compliance with the Interlocal Agreement.

5. That the parties to this Resolution agree and authorize it to be approved and executed in counterparts.

ALL OF WHICH IS RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THIS 1st DAY OF March, 2021.

Voted in Favor

Voted Against

Brian Hester

Brian Hester

Bo Bertram

Bo Bertram

Ruthie Jackson

Ruthie Jackson

B.J. Steele

B.J. Steele

J.T. Cox

J.T. Cox

The foregoing Resolution was presented to the Mayor of the City of Charlestown, Indiana on this 1st day of March, 2021 at 6:30 o'clock P.M.

Donna Coomer

Donna Coomer, Clerk

This *Resolution Reaffirming and Re-Enacting Interlocal Agreement Regarding Bethany Road Project* is approved by me on this 1st day of March, 2021 at 6:30 o'clock P.M.

Treva Hodges

Treva Hodges, Mayor
City of Charlestown, Indiana

ATTEST:

3-1-2021

Date

Donna Coomer

Donna Coomer, City Clerk/Treasurer

Approved by the Board of Commissioners of Clark County, Indiana on _____,
2021:

Jack Coffman, President

Connie Sellers

Bryan Glover

ATTEST:

Danny Yost, Auditor
Clark County, Indiana

Approved by the Clark County Council on _____, 2021:

Barbara Hollis, President

Janne Newland

Brittany Ferree

Steve Doherty

Kevin Vissing

David R. Abbott

John L. Miller

ATTEST:

Danny Yost, Auditor
Clark County, Indiana

INTERLOCAL AGREEMENT FOR ROAD-RELATED SERVICES

Pursuant to I.C. 36-1-7-1, et seq., the following Interlocal Agreement (hereinafter "Agreement") is made on this 31 day of May, 2007, between the Board of Commissioners of Clark County, Indiana (hereinafter the "County") and City of Charlestown, Indiana, (hereinafter the "Municipality").

I. PURPOSE OF THE AGREEMENT:

I.C. 36-1-7-3(2)

Pursuant to I.C. 36-1-7-9(a), this Agreement is made between the County and the Municipality for purposes concerning highway construction and maintenance and related matters.

Pursuant to I.C. 36-1-7-9(b)(2), the specific functions and services to be performed under this Agreement are as follows: Bethany Road Federal Aid Road Reconstruction Project: Bethany Road is approximately 2.73 miles in length and is one of three (3) routes that connects State Road 403 to State Road 62. Whereas approximately 1.70 miles is situated in Clark County's jurisdiction and the remaining portion (approximately 1.03 miles) within the City of Charlestown. It shall be the responsibility of the County to be the administrator of this construction project, which shall work in conjunction with state and federal entities including, but not limited to, the Indiana Department of Transportation.

II. DURATION OF THE AGREEMENT

I.C. 36-1-7-3(1)

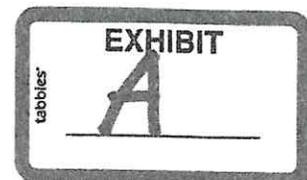
This Agreement shall remain in effect from the time of the execution and approval of this Agreement by the appropriate entities until: Project Completion In the event that this particular project is not completed within 4 years of the execution of this document, the County and Municipality shall implement another interlocal agreement.

Pursuant to I.C. 36-1-7-9(b)(1), the duration of this Agreement may not exceed four (4) years.

III. MANNER OF FINANCING, STAFFING, AND SUPPLYING THE JOINT UNDERTAKING

I.C. 36-1-7-3(3)

The County and Municipality agree to the following terms and provisions concerning the financing, staffing and supplying of this joint undertaking:



A. FINANCING/COMPENSATION/REIMBURSEMENT: The County and Municipality agree to provide 20% of the project costs, which is the local match to a STP-urban federal grant for the above-mentioned reconstruction project. For those matters that pertain to the Engineering design (surveying, environmental studies, geotechnical evaluations, etc.) payment shall be based on a percentage/ratio of that portion of Bethany Road which is situated within each respective jurisdiction. For those matters concerning actual construction costs, each entity shall pay the local share of the costs associated with this project based solely on those improvements contained within each respective jurisdiction.

B. STAFFING: _____ NOT APPLICABLE

C. SUPPLIES: _____ NOT APPLICABLE

IV. TERMINATION OF THE AGREEMENT
I.C. 36-1-7-3(4)

This agreement shall be terminated upon the full completion of the services and functions as set forth in Section I above and upon full compensation and reimbursement as set forth in Section III(A) above.

In addition, this Agreement may be terminated upon the written agreement of all parties to this Agreement.

V. ADMINISTRATION OF THE AGREEMENT
I.C. 36-1-7-3(5)

This Agreement shall be administered jointly by the Clark County Engineer (representing the interests of the executive and fiscal bodies of the County) and the _____ City Engineer of Charlestown, (representing the interests of the executive and fiscal body of the Municipality).

IV. APPROVAL RECORDING AND FILING OF AGREEMENT
I.C. 36-1-7-10

Pursuant to I.C. 36-1-7-10, before the Agreement takes effect (which said Agreement is specifically made under I.C. 36-1-7-9) this Agreement must be:

1. Approved by the fiscal body of each party;
2. Recorded with the County Recorder;
3. Filed with the executive of the municipality and the auditor of the County; and
4. Filed with the auditor of the state.

SO APPROVED BY THE UNDERSIGNED PARTIES.

Approved by the Board of Commissioners of Clark County, Indiana:

M. Edward Meyer 5/31/07
 By: M. Edward Meyer Date

Ralph Guthrie 5/31/07
 By: Ralph Guthrie Date

Michael Moore 5/31/07
 By: Michael Moore Date

ATTEST:

Barbara Haas 5/31/07
 Barbara Haas, Auditor Date
 Clark County, Indiana

Approved by the Clark County Council:

Barbara C. Hollis 7-9-07
 By: Barbara C. Hollis Date

Chuck Moore 7-9-07
 By: Chuck Moore Date

Jacalyn Dickman 7/9/07
 By: Jackie Dickman Date

R. Monty Snelling 7-9-07
 By: R. Monty Snelling Date

Jack Coffman 7-9-07
 By: Jack Coffman Date

Danny Yost 7-9-07
 By: Danny Yost Date

David Abbott 7-9-07
 By: David Abbott Date

ATTEST:

Barbara Haas 7/9/07
 Auditor, Clark County Date

Approved by the Board of Public Works and Safety of the City of Charlestown:

Michael D. Hall 5/21/07
By: Mayor Michael D. Hall Date
President

Bruce Bottorff 5-21-07
By: Bruce Bottorff, Member Date

By: Rex Davidson, Member Date

ATTEST:

Denna Coomer 5/21/07
Denna Coomer Date
Clerk-Treasurer

Approved by the City of Charlestown:

Michael D. Hall 5/21/07
(Mayor) Date

ATTEST:

Denna Coomer 5/21/07
Clerk-Treasurer Date