

Resolution

Number 24-0478

Adopted Date April 02, 2024

AUTHORIZING THE SIXTH AMENDMENT TO THE WARREN COUNTY WATER AREA CONTRACT WITH THE CITY OF CINCINNATI

WHEREAS, Cincinnati and the Board of County Commissioners of Warren County, Ohio entered into a Warren County Water Area Contract dated February 17, 1995, providing for Cincinnati to supply surplus water within portions of Warren County defined in that agreement as the retail water area and wholesale water area; and

WHEREAS, the County and Cincinnati entered into the First Amendment to the Warren County Water Area Contract on December 12, 1996 to collaborate on the construction of a Cincinnati transmission main on State Route 3/U.S. Route 22, allowing Cincinnati to provide wholesale water to the Western Water Company; and

WHEREAS, the County and Cincinnati entered into the Second Amendment to the Warren County Water Area Contract on June 17, 1997 to allow for improvements to increase the potential flow to Warren County including the construction of a transmission main along Columbia Road and Socialville-Fosters Road and oversizing of the State Route 3/ U.S. Route 22 transmission main; and

WHEREAS, the County and Cincinnati entered into the Third Amendment to the Warren County Water Area Contract on January 31, 2017 to clarify the retail service boundary along Fields Ertel Road at the Cross Creek Estates residential development; and

WHEREAS, the County and Cincinnati entered into the Fourth Amendment 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 Contract so that they could be served by Cincinnati's GCWW under the Contract's terms; and

WHEREAS, the County and Cincinnati entered into the Fifth Amendment effective February 15, 2023 to add certain properties in the unincorporated area of Warren County to the "Warren County Retail Water Area" as defined in the Contract so that they could be served by Cincinnati's GCWW under the Contract's terms; and

WHEREAS, the Greater Cincinnati Water Works (GCWW) and the City of Mason have constructed water transmission mains in areas of Union Township that are not currently served by the Warren County Water and Sewer Department ; and

WHEREAS, the County and Cincinnati agree that the certain residential homes in these areas could be serviced by GCWW; and

NOW THEREFORE BE IT RESOLVED, that the Board of Warren County Commissioners does hereby approve and execute the Sixth Amendment to the Warren County Water Area Contract

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with the City of Cincinnati, such Sixth Amendment is effective immediately and is attached hereto and made a part of hereof.

BE IT FURTHER RESOLVED, that all the provisions of the aforesaid Warren County Water Area Contract shall remain unchanged by this action.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mrs. Jones. Upon call of the roll, the following vote resulted:

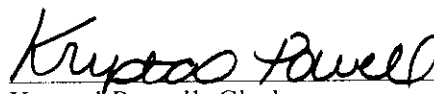
Mr. Young – yea

Mrs. Jones – yea

Mr. Grossmann – yea

Resolution adopted this 2nd day of April 2024.

BOARD OF COUNTY COMMISSIONERS

A handwritten signature in black ink, appearing to read "Krystal Powell", written over a horizontal line.

Krystal Powell, Clerk

cc: c/a—City of Cincinnati
Water/Sewer (file)

**SIXTH AMENDMENT
TO THE WARREN COUNTY WATER AREA CONTRACT**

This *Sixth Amendment to the Warren County Water Area Contract* (“Sixth Amendment”) is made and entered into effective as of the later of such dates indicated below the parties’ respective signatures hereto (the “Effective Date”) by and between the City of Cincinnati (“Cincinnati”), acting through its City Manager, and the board of County Commissioners of Warren County, Ohio (“County”), acting pursuant to chapters 307 and 308 of the Revised Code of Ohio.

WITNESSETH:

WHEREAS, Cincinnati and the Board of County Commissioners of Warren County, Ohio entered into a *Warren County Water Area Contract* dated February 17, 1995 (as amended, the “Contract”), providing for Cincinnati through its Greater Cincinnati Water Works (“GCWW”) to supply surplus water within portions of Warren County defined in that agreement as the retail water area and wholesale water area; and

WHEREAS, the County and Cincinnati entered into the *First Amendment to the Warren County Water Area Contract* on December 12, 1996 to collaborate on the construction of a transmission main on State Route 3/U.S. Route 22, allowing Cincinnati to provide wholesale water to the Westen Water Company; and

WHEREAS, the County and Cincinnati entered into the *Second Amendment to the Warren County Water Area Contract* on June 17, 1997 for improvements including the construction of a transmission main along Columbia Road and Socialville-Foster Road and oversizing of the State Route 3/U.S. Route 22 transmission main to increase the supply of water to Warren County; and

WHEREAS, the County and Cincinnati 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 County and Cincinnati entered into the *Fourth Amendment to the Warren County Water Area Contract* on 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 Contract so that they could be served by Cincinnati’s GCWW under the Contract’s terms; and

WHEREAS, the County and Cincinnati entered into the *Fifth Amendment to the Warren County Water Area Contract* on December 21, 2022, to add certain properties in the unincorporated areas of Warren County to the “Warren County Retail Water Area” as defined in the Contract so that they could be served by Cincinnati’s GCWW under the Contract’s terms; and

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

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

WHEREAS, the County and Cincinnati desire to enter into this Sixth Amendment to add the Properties to the "Warren County Retail Water Area" as defined in the Contract so that they may be served by Cincinnati's GCWW under the Contract's terms;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and agreements contained herein, the parties hereto agree to amend and supplement the Contract as follows:

1. **Warren County Retail Water Area.** The definition of "Warren County Retail Water Area" in Section 1(b) of the Contract shall be amended to add the parcels listed on Exhibit A and depicted in the areas shown in the maps on Exhibit B hereto.
2. **Ratification.** All terms of the Contract not amended hereby or not inconsistent herewith shall remain in full force and effect and by this reference are incorporated herein as if fully rewritten herein, and the Contract, as amended hereby, is hereby ratified by the parties.
3. **Counterpart Execution.** This Sixth Amendment may be executed in counterparts and the parties shall have the right to transmit signature pages to each other electronically in lieu of exchanging original pages.
4. **Exhibits.** The following exhibits are hereby attached and incorporated into this Sixth Amendment:
 - a. Exhibit A – List of the Properties
 - b. Exhibit B – Map depicting the Properties

[SIGNATURE PAGES FOLLOW]

CITY OF CINCINNATI

IN WITNESS WHEREOF, the City of Cincinnati has caused this Sixth Amendment to be executed by its City Manager on the date stated below, pursuant to Ordinance No. _____, dated _____, 2024.

CITY OF CINCINNATI

By: _____
Sheryl M.M. Long, City Manager

Date: _____, 2024

RECOMMENDED BY:

Cathy B. Bailey, Executive Director
Greater Cincinnati Water Works

APPROVED AS TO FORM:

Assistant City Solicitor

CERTIFICATION OF FUNDS:

Date: _____

Funding: _____

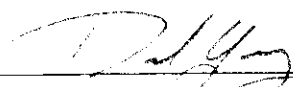
Amount: _____

Karen Alder, Finance Director

WARREN COUNTY

IN EXECUTION WHEREOF, the Warren County Board of Commissioners has caused this Contract to be executed by David G. Young, its President, on the date stated below, pursuant to Board Resolution No. 24-0478, dated April 2, 2024.

**THE BOARD OF COUNTY
COMMISSIONERS OF WARREN COUNTY,
OHIO**

SIGNATURE: 
PRINTED NAME: David G. Young
TITLE: President
DATE: April 2, 2024

Approved as to form:

DAVID P. FORNSHELL
PROSECUTING ATTORNEY
WARREN COUNTY, OHIO

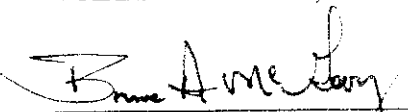

Assistant Prosecuting Attorney

Exhibit A

List of Additional Unincorporated Properties to be Served by the Mason Water Utility

February 28, 2024

Account No.	Parcel No.	Area (Acres)	House Number	Road	Township
6500854	1221400001	0.842	3490	BUNNELL ROAD	Union
6501036	1221300008	0.64	0	BUNNELL ROAD	Union

Property information from Warren County Auditor

Exhibit B

Map of Additional Unincorporated Properties to be Served by the Mason Water Utility

February 28, 2024

