

ORDINANCE NO. 02-17

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher ON THE 23rd DAY
OF January, 2017.

AN ORDINANCE DETERMINING TO PROCEED WITH THE CONSTRUCTION AND INSTALLATION OF PUBLIC ROADWAYS, SIDEWALKS, CURBS AND SANITARY MAINS ALONG THE YANKEE TRACE WOODS, LLC PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

WHEREAS, the City of Centerville has adopted both Resolution No. 16-14 on April 21, 2014 and Resolution No. 71-16 on December 19, 2016, (collectively, the "Resolution of Necessity") declaring the necessity of making the Improvement described in Section 1 below; and

WHEREAS, this Council hereby determines that it is required to pass more than one measure to complete the legislation necessary to make and pay for the Improvement described in Section 1 and further determines that this Ordinance is not the first measure passed in that legislative process;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. It is hereby determined to proceed with the improvements of the extension of a public road, sidewalks, curbs and sanitary mains starting from Yankee Trace Drive and extending approximately 1400 feet through the property known as the Yankee Trace Woods property to a point of intersection with Paragon Road, together with all necessary appurtenances thereto, (collectively, the "Improvements") more fully described in the plans and specifications on file in the office of the Clerk of Council.

Section 2. The Improvements shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.

Section 3. The portion of the cost of the Improvements to be assessed in accordance with the Resolution of Necessity and the related

Petition shall be assessed in the manner and pursuant to the payment schedule set forth, and on the lots and lands described, in that Resolution of Necessity.

Section 4. The City shall pay for a portion of the Improvements as set forth in the Petition and will recover those costs from the assessments described in the Petition. All other costs shall be paid by the land owner.

Section 5. The City Council finds and determines that no claims for damages resulting from the proposed Improvements have been filed.

Section 6. The estimated special assessments previously prepared and filed in the office of the Clerk of Council and in accordance with the Resolution of Necessity and the related Petition are adopted.


Section 7. The Clerk of Council shall deliver a certified copy of this ordinance to the Montgomery County Auditor within fifteen (15) days after its passage.

Section 8. That subject to the provisions of Section 727.24 of the Revised Code, the City Manager is authorized and directed, as soon as the funds are available, to make and sign a contract for the Improvement in accordance with applicable law, and the Improvement shall be financed as provided in the Resolution of Necessity.

Section 9. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 10. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 23rd day of January, 2017.



Mayor of the City of
Centerville, Ohio

ATTEST:

Carin R. Andrew

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No.

62-17, passed by the Council of the City of Centerville, Ohio on the 3rd day of January, 2017.

Carin R. Andrew
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney