

ORDINANCE NO. 13 -16
CITY OF CENTERVILLE, OHIO

18th SPONSORED BY COUNCILMEMBER Belinda Kenley ON THE
DAY OF July, 2016.

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF PUBLIC STREETS AND EASEMENTS BY CONSTRUCTING AND INSTALLING VARIOUS PUBLIC IMPROVEMENTS ON CERTAIN PROPERTY WITHIN THE CITY, AND ALL NECESSARY APPURTENANCES.

WHEREAS, this Council has adopted Resolution No. 53-16 on July 11, 2016 (the "*Resolution of Necessity*"), declaring the necessity of making the Improvement described in Section 1; 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;

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That it is determined to proceed with the improvement of public streets and easements by constructing and installing various public improvements on the Property as more fully described in the Petition (collectively, the "*Improvement*").

SECTION 2. That the Improvement shall be made in accordance with the provisions of the Resolution of Necessity (including the Petition referenced therein and attached thereto) 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. That the portion of the cost of the Improvement 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 and the related Petition.

SECTION 4. That all claims for damages resulting from the Improvement that have been or are legally filed shall be inquired into after completion of the Improvement, and the Municipal Attorney is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

SECTION 5. That 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 6. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor of Greene County, Ohio within 15 days after its passage.

SECTION 7. 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 8. 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 9. That this Ordinance shall be in full force and effect on the earliest date permitted by law.

PASSED THIS 18th day of July, 2016.



Mayor
City of Centerville, Ohio

ATTEST:



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. 13 -16 passed by the City Council of the City of Centerville, Ohio on the 18th day of July, 2016.

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