

EMERGENCY ORDINANCE NO. 6-08  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beale ON THE 21st DAY OF  
APRIL, 2008.

AN ORDINANCE DETERMINING TO PROCEED WITH THE  
EXTENSION OF A PUBLIC WATER MAIN AND A PUBLIC  
SANITARY SEWER ALONG THE YANKEE TRACE  
COMMUNITY, TOGETHER WITH ALL NECESSARY  
APPURTENANCES THERETO, AND ALSO THE  
IMPROVEMENT TO A PUBLIC ROAD RIGHT OF WAY  
WITHIN THE YANKEE TRACE COMMUNITY AS PROVIDED  
HEREIN TO THE EXTENT OF AVAILABLE FUNDS, AND  
DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 15-08 on April 21, 2008, declaring  
the necessity of making the improvement described in Section 1 (the Resolution of Necessity); now,  
therefore

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That this Council hereby declares that an emergency exists affecting the  
public welfare, in that the improvement authorized by this emergency ordinance must be  
commenced during the 2008 construction season and thereby enable the improvement to be  
completed at the earliest possible date in order to provide sanitary sewers, water mains, and public  
streets, all for the public welfare and safety.

SECTION 2. That it is determined to proceed with the following improvement:

- a. The extension of a public water main starting from Shawnee Trail and extending  
approximately 890 feet along the northern boundary of the Yankee Trace  
community and following the alignment of Legendary Way to a terminus point at  
approximate Legendary Way roadway station 32+90, together with all necessary  
appurtenances thereto.

- b. The extension of a public sanitary sewer starting from an existing sanitary sewer manhole located approximately 960 feet east of Paragon Road along the northern boundary of the Yankee Trace community, and extending approximately 590 feet along Legendary Way to a terminus point at approximate Legendary Way roadway station 32+90, together with all necessary appurtenances thereto.
- c. Optional work to be provided to the extent of available funds, if any: the improvement of a public right of way, Legendary Way within the Yankee Trace community, by constructing the final surface course of asphalt.

SECTION 3. That the improvement 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, provided that, as authorized by the petition for the improvement, additions to, deductions from, or modifications of the improvement identified in Section 2 may be provided for at the time of letting contracts for the improvement or during the course of construction which are required in the reasonable judgment of the City Manager so that the annual principal amount of the special assessment and interest thereon will be as close as possible to and not exceed \$660.

SECTION 4. That all claims for damages resulting from the improvement 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 cost of the improvement to be assessed in accordance with the Resolution of Necessity shall be assessed in the manner and the number of installments provided, and on the lots and lands described, in that resolution.

SECTION 6. The estimated special assessments now on file in the office of the Clerk of Council are adopted.

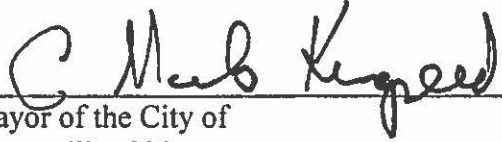
SECTION 7. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 15 days after its passage.

SECTION 8. That the City Manager is authorized and directed, as soon as the funds are available, to make and sign a contract for the improvement with the lowest and best bidder after advertising according to law, and the improvement shall be financed as provided in Resolution of Necessity.

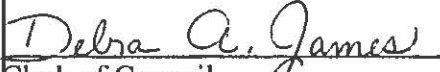
SECTION 9. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 10. That this ordinance shall become effective upon its adoption, in accordance with Section 5.05 of the Charter of the City, and by reason of Sections 5.05 of the Charter of the City shall not stand repealed as of the 75th day after adoption.

PASSED THIS 21<sup>st</sup> day of April, 2008.

  
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Mayor of the City of  
Centerville, Ohio

ATTEST:

  
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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. 6-08, passed by the Council of the City of Centerville, Ohio on the 21<sup>st</sup> day of April, 2008.

Debra A. James  
Clerk of the Council

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions  
Department of Law  
Scott A. Liberman  
Municipal Attorney