

EMERGENCY ORDINANCE NO. 2-02
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan W. Lienesch ON THE 18TH DAY OF
FEBRUARY, 2002.

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF COBBLEWOOD COURT, OLDE GEORGETOWN WAY, LEGEND LAKE LANE AND OTHER CITY RIGHTS OF WAY, ALL BETWEEN CERTAIN TERMINI, BY CLEARING, GRADING, DRAINING, CURBING, PAVING, AND CONSTRUCTING AND INSTALLING SANITARY SEWERS, STORM SEWERS, WATER MAINS, AND SIDEWALKS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND ALSO SOCIAL ROW ROAD AS PROVIDED HEREIN TO THE EXTENT OF AVAILABLE FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. ___-02 on February 18, 2002, 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 2002 construction season and thereby enable the improvement to be completed at the earliest possible date in order to provide public streets, drainage facilities, sanitary sewers, and water mains, all for the public welfare and safety.

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

- a. The improvement of a public right of way, Cobblewood Court, starting from the intersection of Cobblewood Court and Olde Haley Drive, in Yankee Trace Parcel 25, and extending approximately 460 feet west, terminating in a cul-de-sac, by

clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

- b. The improvement of a public right of way, Olde Georgetown Way, starting at the intersection of Olde Georgetown Way and Heritage Lake Drive in Yankee Trace Parcel 3C, and extending approximately 500 feet south, terminating in a cul-de-sac, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- c. The improvement of a public right of way, Legend Lake Lane, within Yankee Trace Parcel 26, starting from the intersection of Legend Lake Lane and Yankee Trace Drive, and extending approximately 850 feet east, terminating in a cul-de-sac, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- d. The improvement of public road right of ways within the Yankee Trace Community, by constructing the final surface course of asphalt.
- e. The installation of a public walkway (8 ft. wide asphalt) on city of Centerville owned property adjacent to the lake north of Yankee Trace Section 3, and south and east of Yankee Trace Section 21, including a pedestrian bridge adjacent to the lake spillway, by clearing, grading, and paving with all necessary appurtenances thereto.

f. Optional work to be provided to the extent of available funds, if any, from proceeds of the bonds to be issued for the improvement:

- (i) The improvement of a public right of way, the North side of Social Row Road, starting at Social Row Road road station 43+00 and extending approximately 900 feet east to road station 52+00, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

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 and 8.11 of the Charter of the City shall not stand repealed as of the 75th day after adoption.

ADOPTED this 18th day of February, 2002.



Presiding Officer

Attest: 

Clerk of Council