

EMERGENCY ORDINANCE NO. 9-99
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. V. Stone
ON THE 2ND DAY OF AUGUST, 1999

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF HALEY DRIVE, HERITAGE LAKE DRIVE, STREET A, CLUB VIEW DRIVE, AND OLD POND WAY, BETWEEN CERTAIN TERMINI, BY CLEARING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING SANITARY SEWERS, STORM SEWERS, WATER MAINS, AND SIDEWALKS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND ALSO YANKEE TRACE DRIVE, VILLA VISTA PLACE, BENTGRASS LANE, HALEY DRIVE, HERITAGE LAKE DRIVE, CLUB VIEW DRIVE, AND VINTAGE GREEN COURT AS PROVIDED HEREIN TO THE EXTENT OF AVAILABLE FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 28-99 on August 2, 1999, 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 1999 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, Haley Drive as indicated on the preliminary subdivision plan for Yankee Trace Parcel 1 (Section 21), starting at the

existing terminus of Haley Drive located at the corporation line of the City of Centerville and Washington Township, and extending west approximately 1250 feet, 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, Heritage Lake Drive as indicated on the preliminary subdivision plan for Yankee Trace Parcels 3C, and 24, starting at the existing terminus of Heritage Lake Drive (Section 3 Record Plan), and extending southwest approximately 1,800 feet, 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, Street "A", as indicated on the preliminary subdivision plan for Yankee Trace Parcels 3C, and 24, starting at the intersection of Street "A", and Heritage Lake Drive, which is located approximately 950 feet west of the intersection of Heritage Lake Drive and Heirloom Crossing, and extending approximately 200 feet on both sides of Heritage Lake Drive, 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 a public right of way, Club View Drive, as indicated on the preliminary subdivision plan for Yankee Trace Parcel 12, starting at Yankee Trace

Drive, located at the southern boundary of parcel 12, and extending west approximately 1700 feet, 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.

- e. The improvement of a public right of way, Old Pond Way, as indicated on the preliminary subdivision plan for Yankee Trace Parcel 12, starting at the intersection of Old Pond Way and Club View Drive, and extending north approximately 400 feet, 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.
- f. The improvement of a public right of way, Haley Drive as indicated on the preliminary subdivision plan for Yankee Trace Parcel 1 (Section 21), starting at the terminus of Haley Drive as described in paragraph (a) above, and extending southwest approximately 1300 feet terminating in a cul-de-sac; and the improvement of a public right of way, Street A, as indicated on the preliminary subdivision plan which was approved by Centerville Planning Commission for Yankee Trace Parcel 25, starting at the west terminus point of Street A as described in paragraph (c) above, and extending northwest approximately 700 feet, 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.

g. 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 installation of gas street lights, including gas main services and all necessary appurtenances thereto in the following locations:

(1) On Yankee Trace Drive from roadway station 58+00 to 67+50, approximately 7 lights.

(2) On Villa Vista Place, Yankee Trace Section 20, approximately 4 lights.

(3) On Bentgrass Lane, approximately 2 lights.

(4) On Haley Drive, Yankee Trace Section 21, approximately 8 lights.

(5) On Heritage Lake Drive, Yankee Trace Section 22, approximately 10 lights.

(ii) The improvement of public right of ways, Yankee Trace Drive (Yankee Trace Section 20) starting at Yankee Trace Drive roadway station 57+84.62 which is approximately 330 feet north of the intersection of Yankee Trace Drive and Villa Vista Place, and extending south for approximately 970 feet to Yankee Trace roadway station 67+50, and Villa Vista Place (Yankee Trace Section 20), starting at Villa Vista Place roadway station 0+00 on the west side of Yankee Trace Drive, and extending east for approximately 450 feet to roadway station 4+45.51 on the east side of Yankee Trace Drive, by constructing the final course of asphalt.

- (iii) The extension of a public right of way, Clubview Drive, starting at the terminus point described in paragraph (d) above, which is approximately 1700 feet west of the intersection of Clubview Drive and Yankee Trace Drive, and extending approximately 800 feet to the cul-de-sac terminus, by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- (iv) The improvement of a public right of way, Vintage Green Court, as indicated on the preliminary subdivision plan for Yankee Trace Parcel 12 (Section 23), starting at the east intersection of Vintage Green Court and Clubview Drive, and extending approximately 970 feet to the west intersection of Vintage Green Court and Clubview Drive, by clearing, grading, draining, curbing, paving, 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 2nd day of August, 1999.

Sally D. Beals
Presiding Officer

Attest: Marie J. Saughel
Clerk of Council