

EMERGENCY ORDINANCE NO. 26-98
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. MARK KINGSEED
ON THE 28TH DAY OF SEPTEMBER, 1998

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF SOCIAL ROW ROAD, YANKEE STREET PIKE, YANKEE TRACE DRIVE, WEDGESTONE COURT, BENTGRASS LANE, AND GATEKEEPER WAY, BETWEEN CERTAIN TERMINI, BY GRADING, DRAINING, CURBING, AND PAVING, CONSTRUCTING STORM AND SANITARY SEWERS, SIDEWALKS, AND WATER MAINS, AND PROVIDING ALL RELATED WORK AND NECESSARY APPURTENANCES WITH RESPECT TO THOSE IMPROVEMENTS, AND ALSO YANKEE TRACE DRIVE, WEDGESTONE PLACE, YANKEE TRACE SECTION 16, BENTGRASS LANE, AND WEDGESTONE COURT AS PROVIDED HEREIN TO THE EXTENT OF AVAILABLE FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 40-98 on September 28, 1998, 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 1998 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, water mains, and street lighting, all for the public welfare and safety.

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

- a. The improvement of Social Row Road by constructing a 16" diameter water main along the south side of Social Row Road starting at a point located at the intersection

of Social Row Road and Yankee Trace Drive, and extending approximately 1700 feet to the east.

- b. The improvement of Yankee Street Pike by constructing a left turn lane along Yankee Street Pike at the intersection of Yankee Street Pike and Winding Green Way and clearing, grading, draining, curbing, paving, and the installation of storm sewers, sidewalks, together with all necessary appurtenances thereto.
- c. The improvement of Yankee Trace Drive approximately 400 feet in length starting from Yankee Trace Drive approximate roadway station 53 +80 to Yankee Trace Drive road station 57+80 by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalks, together with all necessary appurtenances thereto.
- d. The improvement of Wedgestone Court (Wedgestone Court is approximately 430 feet in length, intersecting Yankee Trace Drive at approximate Yankee Trace Drive station 55+50 as indicated on the preliminary subdivision plan for Yankee Trace Section 17) 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. Extending Yankee Trace Drive starting from the terminus point described in Section 2c by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- f. The improvement of Gatekeeper Way by extending the public road 900 feet from its current terminus at Gatekeeper Road station 31+30 by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

g. The construction of two public roadways approximately 550 feet in total length, located at approximate Yankee Trace Drive roadway station 61+00, by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, water mains, sidewalk together with all necessary appurtenances thereto.

h. 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 Yankee Trace Drive by constructing the final course of asphalt approximately 3,100 feet in length starting from Yankee Trace Drive roadway station 12+79.24 to Yankee Trace Drive road station 47+17.

(ii) The improvement of Bentgrass Lane and Wedgescreek Place by constructing the final course of asphalt.

(iii) 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 44+00 to 57+00, approximately 9 lights;

(2.) On Wedgestone Place, Yankee Trace Section 16, approximately 3 lights;

(3.) On Bentgrass Lane, approximately 2 lights;

(4.) On Wedgestone Court, approximately 3 lights.

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.

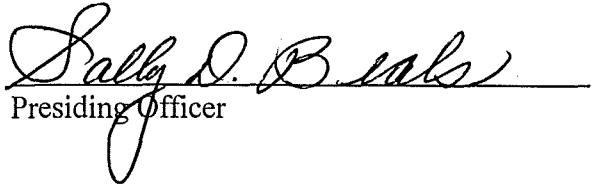
SECTION 7. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 15 days after its passage.

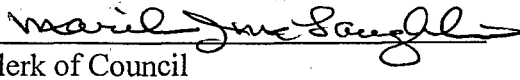
SECTION 8. That the City Manager is authorized and directed, as soon as the funds are available, to make and sign a contract for the improvement with the lowest and best bidder after advertising according to law, and the improvement shall be financed as provided in Resolution of Necessity.

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 28th day of September, 1998.


Presiding Officer

Attest: 
Clerk of Council