

EMERGENCY ORDINANCE NO. 33-97
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Reppert
ON THE 15TH DAY OF DECEMBER, 1997

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF YANKEE TRACE DRIVE, WATERS EDGE DRIVE, LANTERN WAY, GREENSKEEPER WAY AND COURTYARD PLACE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, CURBING, AND PAVING, CONSTRUCTING STORM AND SANITARY SEWERS, SIDEWALKS, AND WATER MAINS, INSTALLING GAS STREET LIGHTS, AND PROVIDING ALL RELATED WORK AND NECESSARY APPURTENANCES WITH RESPECT TO THOSE IMPROVEMENTS, AND ALSO SOCIAL ROW ROAD, YANKEE TRACE DRIVE, AND YANKEE STREET PIKE AS PROVIDED HEREIN TO THE EXTENT OF AVAILABLE FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 83-97 on December 15, 1997, declaring the necessity of making the improvement described in Section 1; 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 at the earliest possible date in order to start work on the improvement early in 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:

1. The improvement of Yankee Trace Drive from Yankee Trace Drive roadway station 12+79.42 (approximately 230 feet north of the intersection of Yankee Trace Drive and

Liberty Crossing) a distance of approximately 3,100 feet to Yankee Trace Drive station 44+00 by grading, draining, curbing, and paving, constructing storm and sanitary sewers, sidewalks, and water mains, and providing all related work and necessary appurtenances thereto.

2. The installation of gas street lights and all related work and necessary appurtenances thereto in the following locations:

On Lantern Way in future Yankee Trace Section 11; approximately 5 lights. On Yankee Trace Drive from roadway station 12+79.24 to roadway station 44+00.00; approximately 22 lights. On Greenskeeper Way, Section 13 (Parcel 19); approximately 7 lights. On Courtyard Place (west), Section 14 (Parcel 16); approximately 8 lights.

3. Waters Edge Drive by constructing a brick paver crosswalk at approximately Waters Edge Drive roadway station 30+30.

4. Yankee Trace Drive by constructing curbing to provide traffic control islands at approximately Yankee Trace Drive roadway station 9+50 and at roadway station 11+50.

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

(a) Social Row Road from a point approximately 400 feet east of Yankee Trace Drive easterly approximately 1600 feet by constructing a water main, together with all necessary appurtenances.

(b) Extending Yankee Trace Drive commencing at the terminus point described in paragraph 1 above by grading, draining, curbing, and paving, constructing storm and sanitary sewers, sidewalks, and water mains, and providing all related work and necessary appurtenances thereto.

(c) Yankee Street Pike at the intersection of Yankee Street Pike and Winding Green Way by grading and paving to provide a left turn lane.

SECTION 3. That the improvement shall be made in accordance with the provisions of Resolution No. 83-97, 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 or deductions from the location and number of gas street lights and widening of Yankee Street Pike and Social Row Road 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 Resolution No. 83-97 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.

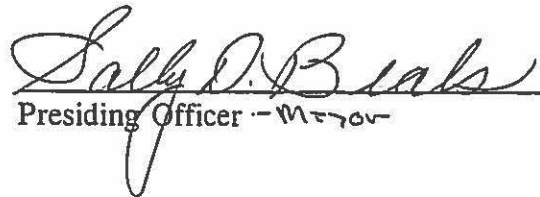
SECTION 8. That the City Manager is authorized and directed, as soon as the funds are available, to make and sign a contract for the improvement with the lowest and best bidder after

advertising according to law, and the improvement shall be financed as provided in Resolution No. 83-97.

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 15th day of December, 1997.


Presiding Officer - M.T.G.

Attest: 
Clerk of Council

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance Number 33-97, passed by the Council of the City of Centerville, Ohio, on the 15th day of December, 1997.

Maureen J. McLaughlin
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney