

EMERGENCY ORDINANCE NO. 21-95
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER MARK KINGSEED
ON THE 18th DAY OF SEPT., 1995

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF YANKEE TRACE DRIVE, SOCIAL ROW ROAD, EASEMENTS OF THE CITY, HOMESTEAD DRIVE, OLD GATE CROSSING, AND GATEKEEPER WAY BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, CURBING, PAVING, AND INSTALLATION OF STORM AND SANITARY SEWERS, CONSTRUCTING A WATER MAIN AND SANITARY SEWER, AND INSTALLING GAS STREET LIGHTS, AND PROVIDING ALL RELATED WORK AND NECESSARY APPURTENANCES WITH RESPECT TO THOSE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 65-95 on September 18, 1995, 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 improvements authorized by this emergency ordinance must be commenced at the earliest possible date in order to utilize a portion of the 1995 construction season and thereby enable the improvements to be completed at the earliest possible date in order to provide for the public welfare and safety public streets, drainage facilities, sanitary sewers, water mains, and street lighting.

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

1. The improvement of a public right of way (Yankee Trace Drive) commencing at Social Row Road (approximately 1200 feet southeast of Yankee Street) to a point approximately 2200 feet northeasterly of Social Row Road by grading, draining, curbing,

paving, and installation of storm and sanitary sewers and all related work and necessary appurtenances thereto.

2. The improvement of Social Row Road from the intersection of Yankee Street and Social Row Road to the aforesaid Yankee Trace Drive right of way and Yankee Trace Drive from the intersection of Social Row Road north approximately 2200 feet by the construction of a public water main and all related work and necessary appurtenances.

3. The improvement of public easements beginning at a point approximately 200 feet north of the intersection of Yankee Street and Social Row Road, and approximately 450 feet east of Yankee Street easterly in the easement approximately 900 feet to Yankee Trace Drive right of way by the construction of a sanitary sewer and all related work and necessary appurtenances thereto.

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

On Homestead Drive, Old Gate Crossing, and Gatekeeper Way; approximately 30 lights.

On the east and west side of Yankee Street from the northern portion of the property now or formerly owned by the City of Centerville south to the approximate location of the old Spires Property; at the intersection of Yankee Street and Social Row Road; on Social Row Road at the approximate intersection of the entry point of Yankee Trace Drive continuing along both sides of Yankee Trace Drive through the access point for Parcel 18; approximately 44 lights.

SECTION 3. That the improvement shall be made in accordance with the provisions of Resolution No. 65-95, 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 length of Yankee Trace Drive or the location and number of gas street lights may be made 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. 65-95 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.

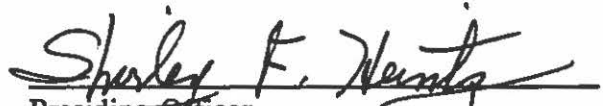
SECTION 7. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 15 days after its passage.

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. 65-95.

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 September, 1995.


Presiding Officer

Attest: 
Clerk of Council