

EMERGENCY ORDINANCE NO. 16-94
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton
ON THE 15th DAY OF August, 1994

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR
THE IMPROVEMENT OF CLYO ROAD, AND DECLARING
AN EMERGENCY.

WHEREAS, the improvement described in Section 1 has been completed and the final cost of that improvement has been determined;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Centerville, Montgomery County, Ohio, that:

SECTION 1. That this Council hereby declares that an emergency exists affecting the public welfare of the City and for the further reason that the levy of the special assessments should be immediately effective so that the notes issued in anticipation of that levy may be retired from bonds to be issued in anticipation of the collection of those special assessments which assessments must be certified to the County Auditor by the extension date of October 3, 1994 provided by the County Auditor and thereby preserve the credit of the City.

SECTION 2. The special assessments for the cost and expense of improving in the City Clio Road in the City of Centerville from Bigger Road easterly approximately 1,590 feet and from Wilmington Pike westerly approximately 2,494 feet by grading, curbing, paving, constructing sidewalks, storm water drainage system, sanitary sewer system, water mains, traffic control, landscaping and other facilities and appurtenances that are necessary and proper therefor pursuant to Resolution No. 38-92 adopted December 7, 1992, amounting in the aggregate to \$ 815,399.00 which were filed and are on file with the Clerk of Council, are adopted and

confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 38-92 in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

SECTION 3. This Council finds and determines that the special assessments are in the same proportion to the estimated special assessments as the actual cost of the improvement is to the estimated cost of the improvement as originally filed.

SECTION 4. The special assessment against each lot or parcel of land shall be payable in cash within 30 days after the passage of this ordinance, or at the option of the owner in twenty annual installments with interest at the same rate or rates of interest as borne by the bonds to be issued in anticipation of the collection of the special assessments. A cash payment reduction adjustment of 4.03 %, which represents costs of issuing the bonds, shall be allowed on special assessments paid in cash during the cash payment period. All cash payments shall be made to the Director of Finance of this City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. Those special assessments not paid in cash will also be subject to a Montgomery County annual collection fee (presently 5%) for administering and collecting the special assessments. This collection fee will be based upon the amount to be billed and collected by Montgomery County each year.

SECTION 5. The Clerk of Council shall cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in the office of the Clerk of Council the special assessments.

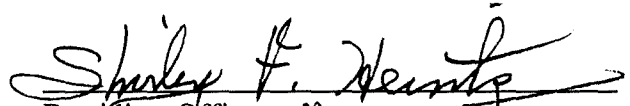
SECTION 6. The Clerk of Council shall deliver a certified copy of this ordinance to the

County Auditor within 20 days after its passage.

SECTION 7. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 8. 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 Section 5.05 of the Charter and this ordinance being an exercise of Council's power under Chapter 727 of the Ohio Revised Code, this ordinance shall not stand repealed as of the 75th day after adoption.

ADOPTED this 15th day of August, 1994.


Presiding Officer - Mayor

Attest: 
Clerk of Council