

EMERGENCY ORDINANCE NO. 2 -93
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILPERSON J.V. Stone
ON THE 18th DAY OF JANUARY, 1993.

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF REAL ESTATE OWNED BY AND WITHIN THE CORPORATE LIMITS OF THE CITY OF CENTERVILLE, OHIO, FOR THE PURPOSE OF EXTENDING CLYO ROAD, SUCH REAL ESTATE BEING SITUATED EAST OF AND BOUNDED BY BIGGER ROAD AT THE TERMINUS OF CLYO ROAD AND EXTENDING IN AN EASTERLY DIRECTION TO A POINT APPROXIMATELY 1,589.75 FEET AND ALSO SITUATED WEST OF AND BOUNDED BY WILMINGTON PIKE AT THE TERMINUS OF CLYO ROAD AND EXTENDING IN A WESTERLY DIRECTION TO A POINT APPROXIMATELY 2,493.59 FEET, SUCH IMPROVEMENTS TO INCLUDE GRADING, CURBING, PAVING, SIDEWALKS, STORMWATER DRAINAGE SYSTEM, SANITARY SEWER SYSTEM, WATER MAINS, TRAFFIC CONTROL, LANDSCAPING, AND OTHER FACILITIES AND APPURTENANCES THAT ARE NECESSARY AND PROPER THEREFOR, PROVIDING FOR THE TAKING OF BIDS FOR SUCH IMPROVEMENT, AND DECLARING AN EMERGENCY.

THE MUNICIPALITY OF CENTERVILLE, STATE OF OHIO, HEREBY ORDAINS:

Section 1. That this ordinance is hereby declared to be an emergency ordinance necessary to meet a public emergency affecting health, safety, morals or the public welfare, the specific facts necessitating the emergency character of this ordinance being that the improvement provided for herein must be commenced without delay in order to improve the flow of traffic within the City of Centerville, Ohio ("City") at the earliest possible time.

Section 2. That it is hereby determined to proceed with the improvement of real estate owned by and within the corporate limits of the City for the purpose of extending Clyo Road, such real estate being situated east of and bounded by Bigger Road at the terminus of Clyo Road and extending in an easterly direction to a point approximately 1,589.75 feet and also situated west of and bounded by Wilmington Pike at the terminus of Clyo Road and extending in a westerly direction to a point approximately 2,493.59 feet, such improvements to include grading, curbing, paving, side-

walks, stormwater drainage system, sanitary sewer system, water mains, traffic control, landscaping, and other facilities and appurtenances that are necessary and proper therefor.

Section 3. That such improvement shall be made in accordance with the provisions of Resolution No. 38-92, duly passed by this Council on December 7, 1992, and with the plans, specifications, estimates and profiles heretofore approved and now on file in the office of the Clerk of Council.

Section 4. That all claims for damages resulting from such improvement which shall have been legally filed shall be inquired into after completion of such improvement, and the Municipal Attorney is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into any claims which shall have been so filed.

Section 5. That a portion of the cost of such improvement, as provided in Resolution No. 38-92 to be assessed, shall be assessed in the manner and in the number of installments provided in said resolution and on the lots and lands described therein.

Section 6. That the estimated assessment heretofore prepared and filed in the office of the Clerk of Council be and the same is hereby adopted.

Section 7. That the Clerk of Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor of the County of Montgomery, Ohio, within fifteen days after its passage.

Section 8. That the Manager is hereby authorized to advertise for bids for such improvement in the manner prescribed by law, and to award one or more contracts therefor (subject to the provisions of the Charter of the City and Sections 727.24 and 5705.44 of the Ohio Revised Code).

Section 9. That this Council hereby finds and determines that all formal actions of Council concerning and relating to the adoption of this ordinance were taken in one or more open meetings of this Council; and that all deliberations of this Council and of its committees, if any, which resulted in such formal actions, were taken in meetings open to the public, in compliance with all legal requirements including (without implied limitation) Section 121.22 of the Ohio Revised Code.

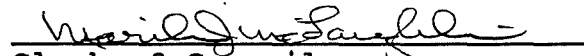
Section 10. That this ordinance shall be effective immediately upon its adoption, as provided by Section 5.05 of the Charter of the City.

Adopted by Council this 18th day of January, 1993.

ATTEST:



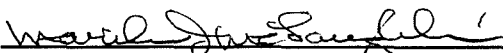
Mayor of the City of Centerville, Ohio



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned Clerk of Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true copy of Emergency Ordinance No. 2 - 93, duly adopted by the Council of the City at a regular meeting on January 18, 1993.



Marilyn J. McLaughlin
Clerk of Council

RECEIPT

The undersigned does hereby acknowledge receipt on the date set forth below of a certified copy of Emergency Ordinance No. _____ of the City of Centerville, Ohio.

COUNTY AUDITOR

_____, 1993 By _____
Deputy County Auditor