

0639B

CITY OF CENTERVILLE, OHIO

EMERGENCY ORDINANCE NO. 4-87

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR PAYING PART OF THE COST OF IMPROVING CLYO ROAD IN THE CITY BY GRADING, DRAINING, CURBING, PAVING, INSTALLING SIDEWALKS, CONSTRUCTING A STORM WATER DRAINAGE SYSTEM AND INSTALLING WATER MAINS AND FACILITIES AND APPURTENANCES NECESSARY AND PROPER THEREFOR, AND PAYING CERTAIN OTHER LAWFUL COSTS, AND DECLARING AN EMERGENCY.

WHEREAS, by proper action heretofore duly taken, this Council declared the necessity of the improvements hereinafter mentioned, and determined to proceed with the construction of said improvements; and

WHEREAS, said improvements have been completed and the Director of Finance has certified to this Council that the final (assessible) cost of the improvements, including the costs specified in Section 727.08 of the Ohio Revised Code, was \$687,200, which final (assessible) cost, in accordance with waivers and releases duly executed, is to be assessed upon the lots and lands described and in the manner provided in Resolution No. 27-82, duly passed by this Council on October 21, 1985; and

WHEREAS, the estimated assessment for said improvements, in proportion to the benefits resulting from said improvements, equaled \$1,041,769, such amount having been reduced by (i) cash payments which were accepted by the City as contributions, in lieu of assessments, from certain prospective

assesseees, to the cost of the improvements, and (ii) a reimbursement from the County of Montgomery of certain costs of oversizing water lines, and the actual (assessible) cost of said improvements was less than the estimated cost upon which the estimated assessment was based; and

WHEREAS, the actual assessment, based upon the final cost of said improvements, including the costs specified in Section 727.08 of the Ohio Revised Code, totals \$687,200; now, therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That an emergency exists affecting the public welfare, in that the special assessments levied hereby must be so levied and the opportunity for cash payment thereof provided at the earliest possible time in order to facilitate the orderly issuance of the bonds to be issued by this Council to fund at or prior to maturity the bond anticipation notes of the City issued pursuant to Emergency Ordinance No. 8-86.

SECTION 2. That the revised assessment of the cost of improving Clyo Road from Alexandersville-Bellbrook Road in a northeasterly direction approximately 3,650 feet to connect with the existing Clyo Road extension west of Bigger Road by grading, draining, curbing, paving, installing sidewalks, constructing a storm water drainage system and installing water mains and facilities and appurtenances necessary and proper

therefor, and paying other lawful costs incidental thereto and to the issuance of bonds or notes issued in anticipation thereof, totals \$687,200, as reported to this Council by the Director of Finance of the City in his Final Cost Certificate, which is now on file in the office of the Clerk of Council, and the same is hereby adopted and confirmed and is hereby levied and specially assessed upon the lots and lands bounding and abutting said improvements, all statutory limitations applicable thereto having been duly waived by the owners of such lots and lands.

SECTION 3. That this Council hereby finds and determines that the lowest and best bid for labor and materials for said improvements did not exceed by 15% or more the cost for labor and materials estimated by Woolpert Consultants and placed on file in accordance with Resolution No. 27-85; and, further, that the revised assessments as now on file in the office of the Clerk of Council are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvements is to the estimated cost of said improvements as originally filed.

SECTION 4. That the assessment against each such lot or parcel of land shall be payable in cash within thirty (30) days after the adoption of this ordinance unless the right to make such cash payment shall be duly waived, or, at the option of the owner, in twenty (20) annual installments with interest at the same rate as shall be borne by the bonds to be issued in

anticipation of the collection of the assessments. All cash payments shall be made to the Director of Finance of this City. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days or upon receipt of due waivers shall be certified by the Clerk of Council to the County Auditor, as provided by law, to be placed by him on the tax duplicate and collected as other taxes are collected, together with interest at the rate borne by said bonds; provided, that any assessment in the amount of \$25.00 or less, or any unpaid balance of any such assessment which is \$25.00 or less, shall be paid in full and not in installments, at the time the first or next installment would otherwise become due and payable, as provided in Section 727.27 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council shall cause a notice of the adoption of this ordinance, unless duly waived, to be published once in a newspaper of general circulation in this City within the meaning of Section 7.12, Ohio Revised Code, and to continue on file in her office said revised assessments.

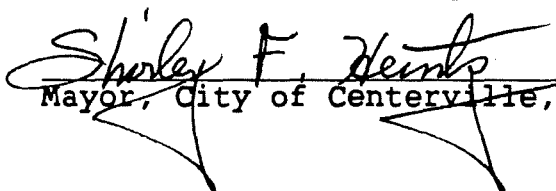
SECTION 6. That this Council hereby finds and determines that all formal actions of this Council concerning and relating to the adoption of this emergency ordinance were taken in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were taken in meetings open to

the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

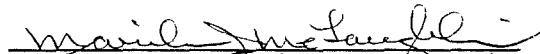
SECTION 7. That this ordinance shall be effective immediately upon its adoption, as provided by Section 5.05 of the Charter.

SECTION 8. That the Clerk of Council is hereby directed to cause this ordinance to be published or posted, as may be required by law or by the Charter of the City.

ADOPTED BY COUNCIL THIS 19th DAY OF January, 1987.


Mayor, City of Centerville, Ohio

Attest:


Clerk of Council of the City
of Centerville, Ohio

CERTIFICATE

I hereby certify that the foregoing is a true copy of
Emergency Ordinance No. 4-87 duly adopted by the Council of
the City of Centerville, Ohio, on January 19, 1987.

Marilyn S. Souders
Clerk of Council

CERTIFICATE

The undersigned fiscal officer of the City of
Centerville, Ohio, hereby certifies that a copy of the
foregoing emergency ordinance was filed with the County Auditor
of the County of Montgomery, Ohio, on January 22, 1987.

W. M. Souders
Director of Finance

RECEIPT

The undersigned County Auditor of the County of
Montgomery, Ohio, hereby acknowledges receipt this 26 day
of JANUARY, 1987, of a certified copy of Emergency Ordinance
No. 4-87 of the City of Centerville, Ohio.

Robert L. Fisher

~~DANA STAMPS~~
COUNTY AUDITOR

By M. Gum
Deputy County Auditor