

EMERGENCY ORDINANCE NO. 49-77

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Ralph Spencer
ON THE 3rd DAY OF October, 1977.

AN ORDINANCE DELETING CERTAIN PROPERTY FROM
THE IMPROVEMENT DESCRIBED IN RESOLUTION NO.
34-76, DETERMINING TO PROCEED WITH THE
REMAINDER OF SAID IMPROVEMENT, AND DECLARING
AN EMERGENCY

The Municipality of Centerville, Montgomery County,
Ohio, hereby ordains:

SECTION 1. That in accordance with the report
of the assessment equalization board heretofore appointed,
which report has been approved by Resolution of even date
herewith, the property located on the East side of North
Main Street in the City of Centerville, beginning at the
Northwest corner of the Gerber property (Deed Book 2230,
page 664), said northwest corner being located approximately
170 feet South of Bradstreet Road, and proceeding thence
Southwardly for approximately 724 feet to a point 186 feet
North of Irongate Drive, be and the same is hereby deleted
and removed from the improvement described in Resolution No.
34-76 of this Council, duly adopted August 16, 1976, and it
is hereby determined to proceed with the balance of said
improvement in accordance with the provisions of said
Resolution No. 34-76, except and to the extent aforesaid,
and in accordance with the plans, specifications, profiles
and estimate of cost heretofore filed with the Clerk of

Council and heretofore approved, but with such modifications thereto as shall be necessary and appropriate to evidence the deletion and removal hereinbefore ordained.

SECTION 2. That all claims for damages resulting therefrom, if any, that have been legally filed, shall be inquired into after completion of the proposed 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 that have been so filed.

SECTION 3. That portion of the cost provided in Resolution No. 34-76 to be assessed shall be assessed in the manner and the number of installments provided in said Resolution and on the lots and lands described therein, except the property described in SECTION 1 hereof.

SECTION 4. That the estimated assessments heretofore prepared and filed in the office of the Clerk of Council be and the same are hereby approved, but with such modifications thereto as shall be necessary and appropriate to reflect the deletion and removal of certain property described in SECTION 1 hereof from the improvement.

SECTION 5. The Clerk of Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within fifteen days after its adoption.

SECTION 6. Subject to the provisions of Ohio Revised Code Section 727.24, the Manager is hereby authorized and directed as soon as the funds therefor are available to make and execute a contract for said improvement with the

lowest and best bidder after advertising according to law and the improvement shall be financed as provided in Resolution No. 34-76.

SECTION 7. This ordinance is hereby declared to be necessary to meet a special emergency in the operation of the Department of Service of the City, which emergency is hereby determined to exist by reason of the necessity of commencing and completing the improvement described in SECTION 1 hereof at the earliest possible time to facilitate the safe and orderly flow of pedestrian traffic within the City, and this ordinance shall be in full force and effect from and after its adoption.

SECTION 8. This Council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

ADOPTED this 3rd day of October, 1977.



Mayor

Attest: Maureen McLaughlin
Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Montgomery County, Ohio, hereby certifies that the foregoing is a true and correct copy of an Emergency Ordinance adopted by the Council of said City at a meeting held on October 3, 1977.

Marilyn McLaughlin
Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Montgomery County, Ohio, hereby certifies that on the 5th day of October, 1977, a date within fifteen (15) days of adoption of the foregoing Emergency Ordinance No. 49-77, she caused to be certified to the County Auditor of Montgomery County, Ohio, a copy of Emergency Ordinance No. 49-77, adopted by the Council of said City on October 3, 1977.

Marilyn McLaughlin
Clerk of Council

RECEIPT

The undersigned, County Auditor of Montgomery County, Ohio, hereby acknowledges receipt of a copy of Emergency Ordinance No. 49-77 of the City of Centerville, Ohio, on Oct. 3, 1977.

Oct 5, 1977
Date

Robert G. Taylor
County Auditor

By Robert G. Taylor
Deputy County Auditor