

RESOLUTION NO. 15-08
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beale ON THE 21st DAY OF
APRIL, 2008.

A RESOLUTION DECLARING IT NECESSARY TO EXTEND A
PUBLIC WATER MAIN AND A PUBLIC SANITARY SEWER
ALONG THE YANKEE TRACE COMMUNITY, TOGETHER
WITH ALL NECESSARY APPURTENANCES THERETO, AND
ALSO TO IMPROVE A PUBLIC ROAD RIGHT OF WAY
WITHIN THE YANKEE TRACE COMMUNITY AS PROVIDED
HEREIN TO THE EXTENT OF AVAILABLE FUNDS.

WHEREAS, the owners of 100% of the lots and lands to be assessed for the improvement
described in Section 2 have petitioned this Council for the improvement described herein; now,
therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That this Council hereby declares that an emergency exists affecting the
public welfare, in that the improvement authorized by this resolution must be commenced during
the 2008 construction season and thereby enable the improvements to be completed at the earliest
possible date in order to provide sanitary sewers, water mains, and public streets, all for the public
welfare and safety.

SECTION 2. That it is declared necessary to provide for the following improvement:

- a. The extension of a public water main starting from Shawnee Trail and extending
approximately 890 feet along the northern boundary of the Yankee Trace
community and following the alignment of Legendary Way to a terminus point at
approximate Legendary Way roadway station 32+90, together with all necessary
appurtenances thereto.

- b. The extension of a public sanitary sewer starting from an existing sanitary sewer manhole located approximately 960 feet east of Paragon Road along the northern boundary of the Yankee Trace community, and extending approximately 590 feet along Legendary Way to a terminus point at approximate Legendary Way roadway station 32+90, together with all necessary appurtenances thereto.
- c. Optional work to be provided to the extent of available funds, if any: the improvement of a public right of way, Legendary Way within the Yankee Trace community, by constructing the final surface course of asphalt.

SECTION 3. That the plans, specifications, profiles and estimate of cost of the improvement, now on file in the office of the Clerk of Council, are approved. The improvement shall be made in accordance with, and the grade of the improvement and of the streets shall be the grade as shown on, the plans, specifications and profiles for the improvement, provided that, as authorized by the petition for the improvement, additions to, deductions from, or modifications of the improvement identified in Section 2 may be provided for 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 this Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 5 hereof are specially benefited by the improvement. This Council further finds and determines that the improvement has been petitioned for by the owners of 100% of the lots and lands to be assessed for the improvement. The City Manager's signing of the petition on behalf of the City is hereby ratified, confirmed, and approved.

SECTION 5. The whole cost of the improvement shall be assessed in proportion to the benefits that may result from the improvement upon the following lots and lands, to-wit: Tax Parcel Numbers O67-03813-0059, O68-01123-0001, O68-01123-0005, O68-01123-0008, O68-01123-0009, O68-01123-0010, O68-01123-002, O68-01123-003, O68-01123-004 and O68-01123-006.

SECTION 6. That the cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the improvement, expenses of legal services including obtaining approving legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at the rate of 4.75% per annum on moneys advanced by the City for the cost of that improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 7. That James P. Sullivan is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution.

SECTION 8. That the special assessments to be levied shall be paid in thirty annual installments of principal and interest, with interest on the unpaid principal amount of each special

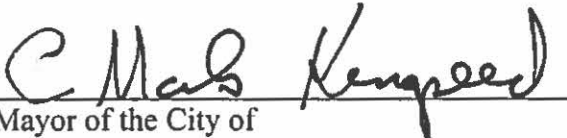
assessment at the same rate as shall be borne by securities issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by this Council when it passes the assessing ordinance levying those special assessments; provided that in accordance with the petition for the improvement there may be certified to and collected by the County up to two additional annual installments of interest only.

SECTION 9. That the City may issue securities in anticipation of the collection of the annual installments of the special assessments and in an amount equal to the total of the unpaid special assessments.

SECTION 10. That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution 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.

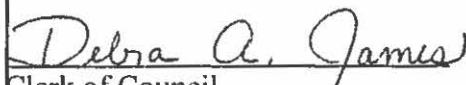
SECTION 11. That this resolution shall become effective upon its adoption, in accordance with Section 5.08 of the Charter of the City.

PASSED THIS 21st day of April, 2008.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 15-08, passed by the Council of the City of Centerville, Ohio on the 21st day of April, 2008.

Debra A. James
Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney