

EMERGENCY RESOLUTION NO. 10-02
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Roger W. Kraos ON THE 18TH DAY OF
FEBRUARY, 2002.

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE
COBBLEWOOD COURT, OLDE GEORGETOWN WAY,
LEGEND LAKE LANE AND OTHER CITY RIGHTS OF WAY,
ALL BETWEEN CERTAIN TERMINI, BY CLEARING,
GRADING, DRAINING, CURBING, PAVING, AND
CONSTRUCTING AND INSTALLING SANITARY SEWERS,
STORM SEWERS, WATER MAINS, AND SIDEWALKS,
TOGETHER WITH ALL NECESSARY APPURTENANCES
THERETO, AND ALSO SOCIAL ROW ROAD AS PROVIDED
HEREIN TO THE EXTENT OF AVAILABLE FUNDS, AND
DECLARING AN EMERGENCY.

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 emergency resolution must be
commenced during the 2002 construction season and thereby enable the improvements to be
completed at the earliest possible date in order to provide public streets, drainage facilities, sanitary
sewers, and water mains, all for the public welfare and safety.

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

- a. The improvement of a public right of way, Cobblewood Court, starting from the
intersection of Cobblewood Court and Olde Haley Drive, in Yankee Trace Parcel
25, and extending approximately 460 feet west, terminating in a cul-de-sac, by

clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

- b. The improvement of a public right of way, Olde Georgetown Way, starting at the intersection of Olde Georgetown Way and Heritage Lake Drive in Yankee Trace Parcel 3C, and extending approximately 500 feet south, terminating in a cul-de-sac, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- c. The improvement of a public right of way, Legend Lake Lane, within Yankee Trace Parcel 26, starting from the intersection of Legend Lake Lane and Yankee Trace Drive, and extending approximately 850 feet east, terminating in a cul-de-sac, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- d. The improvement of public road right of ways within the Yankee Trace Community, by constructing the final surface course of asphalt.
- e. The installation of a public walkway (8 ft. wide asphalt) on city of Centerville owned property adjacent to the lake north of Yankee Trace Section 3, and south and east of Yankee Trace Section 21, including a pedestrian bridge adjacent to the lake spillway, by clearing, grading, and paving with all necessary appurtenances thereto.
- f. Optional work to be provided to the extent of available funds, if any, from proceeds of the bonds to be issued for the improvement:

- (i) The improvement of a public right of way, the North side of Social Row Road, starting at Social Row Road road station 43+00 and extending approximately 900 feet east to road station 52+00, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

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 streets to be improved are so situated in relation to each other that, in order to complete the improvement thereof in the most practical and economical manner, they may, at the option of the City Manager, be improved at the same time, with the same kind of materials and in the same manner and they may, at the option of the City Manager, be treated as a single improvement and included in the same legislation and

contract. 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: Parcels 12, 17, 23, 25, 26, 27 and 31 as defined by the Community Master Plan for Yankee Trace.

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 bonds and notes issued in anticipation of the levy and collection 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 the bonds to be issued in anticipation of the


collection of the total of the unpaid 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 bonds of the City shall be issued in anticipation of the collection of the annual installments of the special assessments and in an amount equal to the total of the 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 5.05 of the Charter of the City, and by reason of Sections 5.05 and 8.11 of the Charter of the City shall not stand repealed as of the 75th day after adoption.

ADOPTED this 18th day of February, 2002.



Presiding Officer

Attest: 
Clerk of Council