

RESOLUTION NO. 17-88

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILPERSON J.V. Stowe ON THE 15  
DAY OF August, 1988

A RESOLUTION DECLARING IT NECESSARY TO RELOCATE AND IMPROVE WHIPP ROAD IN THE CITY OF CENTERVILLE, OHIO FROM HAXTON DRIVE IN A SOUTHEASTERLY DIRECTION APPROXIMATELY 1250 FEET TO CONNECT WITH WILMINGTON PIKE AT ITS INTERSECTION WITH FEEDWIRE ROAD AND TO CREATE A CUL-DE-SAC STREET WHERE EXISTING WHIPP ROAD IS SITUATED THAT CONNECTS WITH THE RELOCATED WHIPP ROAD AND ELIMINATING THE EXISTING INTERSECTION WITH WILMINGTON PIKE, SUCH IMPROVEMENTS TO INCLUDE GRADING, CURBING, PAVING, SIDEWALKS, STORMWATER DRAINAGE SYSTEM, SANITARY SEWERS, WATER MAINS, A TRAFFIC SIGNAL, LANDSCAPING, AND OTHER FACILITIES AND APPURTENANCES NECESSARY AND PROPER THEREFOR

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

Section 1. That it is necessary to improve Whipp Road in the City of Centerville, Ohio (the "City") from Haxton Drive in a southeasterly direction approximately 1250 feet to connect with Wilmington Pike its the intersection with Feedwire Road. This improvement shall have a five-lane profile and shall realign Whipp Road to intersect Wilmington Pike across from Feedwire Road in the County of Greene, Ohio. A cul-de-sac street shall be created along the alignment where existing Whipp Road is situated having a length of approximately 680 feet that connects with the realigned Whipp Road and eliminating the existing intersection with Wilmington Pike. The aforementioned improvements shall include grading, curbing, paving, sidewalks, stormwater drainage system, sanitary sewers,

water mains, a traffic signal, landscaping, and other facilities and appurtenances that are necessary and proper.

Section 2. That it is hereby determined and declared that the improvements described in Section 1 hereof are conducive to the public health, safety, convenience and welfare of the City and the inhabitants thereof.

Section 3. That the grade of said roads shall be the grade as shown by the plans and profiles prepared by Woolpert Consultants which are by this reference made a part hereof.

Section 4. That the plans, specifications, estimates of cost, and profiles of the improvement, heretofore prepared by Woolpert Consultants and now on file in the office of the Clerk of Council, are hereby approved.

Section 5. Incident to the improvements described in Section 1 of this Resolution, the City has entered into (or will enter into before determining to proceed with said improvements) one or more agreements with the County of Greene (the "County") and the City of Kettering ("Kettering") with respect to other improvements in the vicinity. Under the agreement with the County, the County is to agree to pay (a) the costs of those improvements to Wilmington Pike and Feedwire Road, including storm sewers and facilities and appurtenances necessary and proper therefor, which are located within the County, and (b) 50% of the cost of a traffic signal at the intersection of Wilmington Pike, Feedwire Road, and relocated Whipp Road. Under the agreement with Kettering, Kettering is

to agree to pay 100% of the cost of the improvements to existing Whipp Road which are located within Kettering. The improvements which are or are to be the subject of such agreement or agreements are as shown on the plans and specifications therefor prepared by Woolpert Consultants. The City will pay all of the costs of improving existing Whipp Road from a point approximately 180 feet east of the centerline of Overbrooke Road west to the Kettering corporation line by widening, paving and realigning Whipp Road, installing a water main and storm sewer, and constructing other appurtenances necessary and proper therefor, as shown on the said plans and specifications.

Section 6. That a portion of the cost of said improvements shall be assessed, in proportion to the benefits upon the lots and lands bounding and abutting upon the improvements, as follows:

53.87% of such cost (except those costs attributable to those improvements situated outside the corporate limits of the City, to the sanitary sewers, the storm sewer system along the cul-de-sac street, the traffic signal, water mains, landscaping, and facilities and appurtenances necessary and proper therefor) shall be assessed upon the lots and lands bounding and abutting the south side of existing Whipp Road and situated between a point approximately 150 feet east of Overbrooke Drive and thence eastward to Wilmington Pike.

50 % of such cost for landscaping, other miscellaneous costs and facilities and appurtenances necessary and proper therefor shall be assessed upon the lots and lands bounding and abutting the south side of existing Whipp Road and situated between a point approximately 150 feet east of Overbrooke Drive and thence eastward to Wilmington Pike.

100 % of such cost of the water mains and facilities and appurtenances necessary and proper therefor shall be assessed upon the lots and lands bounding and abutting the south side of existing Whipp Road and situated between a point approximately 150 feet east of Overbrooke Drive and thence eastward to Wilmington Pike, less any payment received by the City from the County of Montgomery, Ohio, with respect thereto.

The cost of the sanitary sewers which are part of said improvements shall be apportioned as follows:

50 % of such cost to extend the existing sanitary sewer approximately 320 feet east on existing Whipp Road from a point beginning approximately 465 feet east of the centerline of Haxton Drive where the existing sanitary sewer ends and facilities and appurtenances necessary and proper therefor shall be assessed upon the lots and lands bounding and abutting the south side of existing Whipp Road and situated

between a point approximately 150 feet east of Overbrooke Drive and thence eastward to Wilmington Pike.

100 % of such cost to extend the sanitary sewer from a point beginning approximately 786 feet east of the centerline of Haxton Drive along existing Whipp Road for approximately 150 feet south, and facilities and appurtenances necessary and proper therefor shall be assessed upon the lots and lands bounding and abutting the south side of existing Whipp Road and situated between a point approximately 150 feet east of Overbrooke Drive and thence eastward to Wilmington Pike.

The balance of such cost (except to the extent attributable to water mains, those improvements not within the corporate limits of the City, and facilities and appurtenances necessary and proper therefor), shall be paid by the City from funds lawfully available therefor or from the proceeds of general obligation bonds and/or notes to be issued in anticipation thereof.

The lots and lands to be so assessed are hereby determined to be specially benefitted by said improvements. The cost of said improvements shall include the cost of preliminary and other surveys, plans, specifications, profiles, and estimates of cost and of printing, serving and publishing notices, resolutions, and ordinances, the amount of damages resulting from the

improvements assessed in favor of any owner of land affected by the improvements and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefor any required real estate or interest therein, expenses of legal services including obtaining approving legal opinions, costs 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 the Director of Finance be and he is hereby authorized and directed to prepare and file in the office of the Clerk of Council the estimated assessments of the cost of the improvement described in this Resolution. Such estimated assessments shall be based upon the estimate of costs of said improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Resolution. When such estimated assessments have been so filed, said Clerk of Council shall cause notice of the passage of this Resolution and the filing of said estimated assessments to be served on the owners of all the lots and lands to be assessed as provided in Section 727.13 of the Ohio Revised Code, unless such services shall be effectively waived.


Section 8. That the assessments to be levied shall be paid in such number of annual installments (not to exceed 20) as shall be equal to the weighted average maximum maturity, in

years, of the bonds to be issued in anticipation of the collection thereof, calculated in accordance with Section 133.20 of the Ohio Revised Code, with interest on deferred payments at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof; provided, that the owner of any property assessed may, at its or his option, pay such assessment in cash within 30 days after passage of the assessing ordinance.

Section 9. That bonds of the City of Centerville, Ohio shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto and notes of said City shall be issued in anticipation of the issuance of such bonds and the levy of such assessments.

Section 10. That this resolution shall take effect upon its passage in accordance with Section 5.08 of the Charter of the City of Centerville, Ohio.

PASSED THIS 15th DAY OF August, 1988.

  
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. 17-88, passed by the Council of the City of Centerville, Ohio, on the 15th day of August, 1988.

  
Clerk of Council

Approved as to form, consistency with existing ordinances, the charter and constitutional provisions:

Department of Law  
Robert N. Farquhar  
Municipal Attorney