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RESOLUTION NO. 27-85

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Jeffrey Siler ON
THE 21st DAY OF October, 1985.

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CLYO ROAD IN THE CITY OF CENTERVILLE, FROM ALEXANDERSVILLE-BELLBROOK ROAD IN A NORTHEASTERLY DIRECTION APPROXIMATELY 3650 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, INSTALLING TWO TRAFFIC SIGNALS AND INSTALLING WATER MAINS AND FACILITIES AND APPURTENANCES NECESSARY AND PROPER THEREFOR.

THE MUNICIPALITY OF CENTERVILLE, STATE OF OHIO, THREE-FOURTHS (3/4) OF ALL MEMBERS ELECTED THERETO CONCURRING, HEREBY RESOLVES:

Section 1. That it is necessary to improve Clyo Road in the City of Centerville, from Alexandersville-Bellbrook Road in a Northeasterly direction approximately 3650 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, installing two traffic signals and installing water mains and facilities and appurtenances necessary and proper therefor as shown on and in the plans, specifications and profiles hereinafter described.

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

Section 3. That the grade of said road 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. That a portion of the cost of said improvement shall be assessed in proportion to the benefits upon the lots and lands bounding and abutting upon the improvement, as follows:

29 1/2 % of such cost (except to the extent attributable to the traffic signals, water mains and facilities and appurtenances necessary and proper therefor) shall be assessed upon the lots and lands bounding and abutting on the Southeasterly side of Clyo Road, between the termini described in Section 1 hereof;

29 1/2 % of such cost (except to the extent attributable to the traffic signals, water mains and facilities and appurtenances necessary and proper therefor) shall be assessed upon the lots and lands bounding and abutting on the Northwesterly side of Clyo Road, between the termini described in Section 1 hereof; and

100% of the cost of the water mains and facilities and appurtenances necessary and proper therefor shall be assessed equally against the lots and lands bounding and abutting on the improvement (a) on the Southeasterly side of Clyo Road between the termini described in Section 1 hereof, and (b) on the Northwesterly side of Clyo Road between such termini, less any payment received from the County of Montgomery, Ohio, with respect thereto. The balance of such cost (except to the extent attributable to the traffic signals, water mains and facilities and appurtenances necessary and proper therefor), and all of the cost of installing the traffic signals, shall be paid by the City of Centerville, Ohio, 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 benefited by said improvement. The cost of said improvement 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 improvement assessed in favor of any owner of land affected by 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 therefore 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 6. 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 assessment has been so filed, said Clerk of Council shall cause notice of the adoption of this resolution and the filing of said estimated assessments to be served on the owners of all lots and lands to be assessed as provided in Section 727.13 of the Ohio Revised Code, unless such service shall be effectively waived.

Section 7. 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 8. That bonds of the City of Centerville 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 9. That this resolution shall take effect upon its passage in accordance with Section 5.08 of the Charter of the City of Centerville.

Passed this 21st day of October, 1985.



Mayor, City of Centerville, Ohio

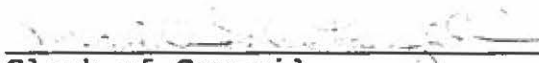
ATTEST:



Clerk of Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of the Resolution Number 27-85 passed by the Council of the City of Centerville, Ohio, on the 21st day of October, 1985.



Clerk of Council