

RESOLUTION NO. 32-79

CITY OF CENTERVILLE, OHIO
SPONSORED BY COUNCILMEMBER Leonard Stubbs
ON THE 6th DAY OF August, 1979

A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT A CONCRETE SIDEWALK FOUR FEET IN WIDTH AND FOUR INCHES IN DEPTH ALONG THE SOUTH SIDE OF THOMAS PAINE PARKWAY FROM A POINT 40 FEET EAST OF THE CENTER LINE OF BIGGER ROAD EASTWARDLY APPROXIMATELY 1350 FEET TO THE TERMINUS OF AN EXISTING SIDEWALK, TOGETHER WITH RELATED DRIVEWAY ADJUSTMENTS AND APPURTENANCES NECESSARY AND PROPER THEREFOR.

The Municipality of Centerville, Montgomery County, Ohio, three-fourths of all members elected to the Council thereof concurring, hereby resolves:

SECTION 1. That it is necessary to construct a concrete sidewalk four feet in width and four inches in depth along the south side of Thomas Paine Parkway from a point 40 feet east of the center line of Bigger Road eastwardly approximately 1350 feet to the terminus of an existing sidewalk, together with related driveway adjustments and appurtenances necessary and proper therefor in the City of Centerville, Ohio, as shown on the plans hereinafter referred to, prepared by the City Engineer.

SECTION 2. It is hereby determined and declared that said improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof.

SECTION 3. That the plans, specifications, profiles and estimate of cost of the proposed improvement, heretofore prepared by the City Engineer and now on file in the office of the Clerk of Council where the same are open to the inspection of all persons interested, are hereby approved.

SECTION 4. That the total cost of said improvement, less one-fiftieth of said total cost together with the cost of intersections, if any, shall be assessed by the front foot of property bounding and abutting upon said improvement, upon the following described lots and lands, to-wit:

All lots and lands bounding and abutting upon the proposed improvement between the termini aforesaid which said lots and lands are hereby determined to be specially benefited by said improvement; and the cost of said 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 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 therefor any required real estate or interests therein, expenses of legal services including obtaining an approving legal opinion, 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 5. That the City Engineer of this City 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 cost 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 lots and lands to be assessed as provided in Revised Code Section 727.13.

SECTION 6. That the assessments to be levied shall be paid in ten (10) annual installments, 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 his option, pay such assessment in cash within thirty days after adoption of the assessing ordinance.

SECTION 7. That bonds of the City 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 8. That the remainder of the entire cost of said improvement, after application of the assessments herein provided, shall be paid by the issuance of bonds in the manner provided by law or from other funds available for this purpose.

SECTION 9. That pursuant to Section 727.12 of the Revised Code, the Clerk of Council shall cause this resolution to be published, as required by law.

SECTION 10. Pursuant to the Charter of the City of Centerville, this resolution shall be in full force and effect from and immediately after its passage.

PASSED this 6th day of August, 1979.

Victor A. Hee
Presiding Officer

Attest:

Maxine M. Sample
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 Resolution No. 32-79 passed by the Council of the City of Centerville, at a meeting held August 6, 1979, and that the signatures of the officers subscribed above are true and genuine.

Maude J. Saubel
Clerk of Council

CERTIFICATE

I, the undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certify that the plans, profiles, specifications and estimates of cost for the improvement described in Resolution No. 32-79 were filed in my office prior to the passage of said Resolution, were open to the inspection of all persons interested and remain open to inspection.

This 9th day of August, 1979.

Maude J. Saubel
Clerk of Council