

RESOLUTION NO. 34-76

CITY OF CENTERVILLE, OHIO
SPONSORED BY COUNCILMAN Cheryl McCaskey
ON THE 16th DAY OF August, 19 76

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE NORTH MAIN STREET IN THE CITY OF CENTERVILLE BY THE INSTALLATION OF BRICK SIDEWALKS, CONCRETE APPROACHES AND RELATED IMPROVEMENTS, BEGINNING ON THE WEST SIDE OF SAID STREET AT THE CENTERVILLE CORPORATION LINE (WHICH IS LOCATED APPROXIMATELY 600 FEET SOUTH OF WILLIAMSBURG LANE), AND CONTINUING THEREFROM SOUTHWARD FOR APPROXIMATELY 318 FEET TO THE SOUTHEAST CORNER OF THE ROBERT REED PROPERTY (DEED BOOK 2299, PAGE 116); AND CONTINUING ON SAID WEST SIDE IN FRONT OF THE ZIMMERMAN PROPERTY (DEED BOOK 2102, PAGE 747) FOR A DISTANCE OF APPROXIMATELY 104 FEET FROM A POINT APPROXIMATELY 483 FEET SOUTH OF THE CORPORATION LINE TO 587 FEET SOUTH OF THE CORPORATION LINE; AND BEGINNING ON THE EAST SIDE OF SAID STREET AT THE NORTHWEST CORNER OF THE GERBER PROPERTY (DEED BOOK 2230, PAGE 664) WHICH IS LOCATED APPROXIMATELY 170 FEET SOUTH OF BRADSTREET ROAD, AND THENCE SOUTHWARDLY FOR APPROXIMATELY 730 FEET TO A POINT 180 FEET NORTH OF IRONGATE DRIVE.

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 improve North Main Street in the City of Centerville by the installation of brick sidewalks, concrete approaches and related improvements, beginning on the west side of said street at the Centerville Corporation line (which is located approximately 600 feet south of Williamsburg Lane), and continuing therefrom southward for approximately 318 feet to the southeast corner of the Robert Reed property (Deed Book 2299, page 116); and continuing on said west side in front of te Zimmerman

property (Deed Book 2102, page 747) for a distance of approximately 104 feet from a point approximately 483 feet south of the corporation line to 587 feet south of the corporation line; and beginning on the east side of said street at the northwest corner of the Gerber property (Deed Book 2230, page 664) which is located approximately 170 feet south of Bradstreet Road, and thence southwardly for approximately 730 feet to a point 180 feet north of Irongate Drive.

SECTION 2. That the said street to be so improved is so situated and the character of the work to be performed is such that in order to complete the improvement thereof in the most practical and economical manner, each individual side of said street and the parts thereof described in SECTION 1 hereof should be improved at the same time, with the same kind of materials, and in the same manner; and such east and west sides of the said street and the described parts thereof shall be treated as a single improvement, in accordance with the provisions of Section 727.09 of the Ohio Revised Code.

SECTION 3. 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 4. That the grade of said street and improvement shall be the grade as shown by the City Engineer's plans and profiles which are by this reference made a part hereof.

SECTION 5. 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, are hereby approved.

SECTION 6. That fifty-five per cent (55%) of the total costs of said improvement shall be assessed upon all the lots and lands

bounding and abutting upon the proposed improvement between and including the termini aforesaid, which lots and lands are hereby determined to be specially benefited by said improvement, in proportion to the benefits which result from said improvement, and that the City will pay 45% of the total costs of said improvement.

The costs of said improvement shall include the costs 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 costs of purchasing, appropriating, and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services including obtaining an approving legal opinion, 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 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 in accordance with the method of assessment set forth in this resolution. After such estimated assessments have been so prepared and filed, the Clerk of Council shall cause notice of the adoption of this resolution

and the filing of said estimated assessments to be served upon the owners of all lots and lands to be assessed, as provided in the Revised Code Section 727.13.

SECTION 8. 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 passage of the assessing ordinance.


SECTION 9. 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 10. That the balance of the total cost of said improvement, after application of the assessments herein provided, shall be paid from funds lawfully available for this purpose and heretofore appropriated.

SECTION 11. That this Council of the City of Centerville, Ohio, hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 12. Pursuant to the Charter of the City of Centerville, this resolution shall be in full force and effect from and immediately after its adoption.

ADOPTED this 16th day of August, 1976.



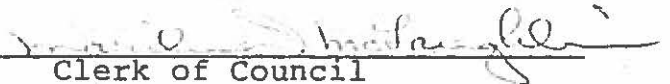
Mayor

Attest:


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. 34-76 adopted by the Council of the City of Centerville at a meeting held August 16, 1976.



Clerk of Council