

RESOLUTION NO. 4-75

CITY OF CENTERVILLE, OHIO  
SPONSORED BY COUNCILMAN J. V. Stone  
ON THE 20th DAY OF January, 1975

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE EAST FRANKLIN STREET FROM A POINT APPROXIMATELY 75 FEET EAST OF EAST DRIVE TO A POINT 180 FEET EAST OF CEMETERY DRIVE IN THE CITY OF CENTERVILLE, OHIO, BY CONSTRUCTION OF BRICK SIDEWALK FOUR FEET WIDE ON THE NORTH SIDE OF SAID STREET FOR APPROXIMATELY 530 LINEAR FEET, CONSTRUCTION OF CONCRETE SIDEWALK FOUR FEET WIDE ON THE SOUTH SIDE OF SAID STREET FOR APPROXIMATELY 490 LINEAR FEET, CONSTRUCTION OF CONCRETE CURB ON BOTH SIDES OF SAID STREET FOR APPROXIMATELY 1,300 LINEAR FEET, INSTALLATION OF 130 LINEAR FEET OF FIFTEEN-INCH CONCRETE PIPE AND TWO CATCH BASINS, AND OTHER IMPROVEMENTS INCIDENTAL TO SUCH CONSTRUCTION AND INSTALLATION.

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 East Franklin Street from a point approximately 75 feet east of East Drive to a point 180 feet east of Cemetery Drive in the City of Centerville, Ohio, as shown on the plans hereinafter referred to, prepared by the City Engineer, by construction of brick sidewalk four feet wide on the north side of said street for approximately 530 linear feet, construction of concrete sidewalk four feet wide on the south side of said street for approximately 490 linear feet, construction of concrete curb on both sides of said street for approximately 1,300 linear feet, installation of 130 linear feet of fifteen-inch concrete pipe and two catch basins, and other improvements incidental to such construction and installation.

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, 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 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 the total cost 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; provided, however, that the amount of any assessment shall not exceed \$16 per lineal foot of lot frontage where sidewalk, curb and gutter are installed, and shall not exceed \$8 per lineal foot of lot frontage where only curb and gutter are installed. The balance of the total cost of said improvement, and in any case not less than one-fiftieth of such total cost, shall be paid by the City.

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 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.

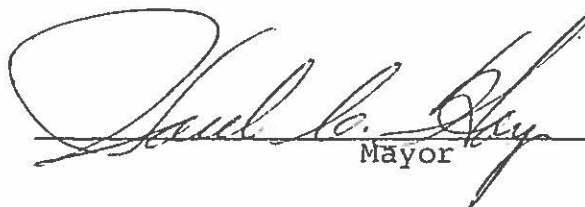
SECTION 8. That the assessments to be levied shall be paid in ten (10) annual installments, with interest on deferred payments at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof; provided, that the owner of any property assessed may, at his option, 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 by the issuance of bonds in the manner provided by law or from other funds available for this purpose.

SECTION 11. Pursuant to the Charter of the City of Centerville, this resolution shall be in full force and effect from and immediately after its adoption.

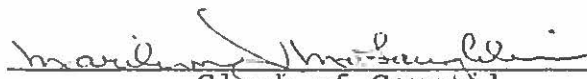
ADOPTED this 20th day of January, 1975.

  
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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. 4-75, adopted by the Council of the City of Centerville at a meeting held January 20, 1975.

  
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Clerk of Council