

RESOLUTION NO. 35-74CITY OF CENTERVILLE, OHIO  
SPONSORED BY COUNCILMAN Russell Sweetman  
ON THE 17 DAY OF June, 1974

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE EAST FRANKLIN STREET IN THE CITY OF CENTERVILLE, OHIO, FROM A POINT APPROXIMATELY 75 FEET EAST OF EAST DRIVE TO A POINT 180 FEET EAST OF CEMETERY DRIVE 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 470 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 in the City of Centerville, Ohio, as shown on the plans hereinafter referred to, prepared by the City Engineer, from a point approximately 75 feet east of East Drive to a point 180 feet east of Cemetery Drive 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 470 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, estimates and profiles 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 whole cost of said improvement, less the sum of (a) one-fiftieth of such whole cost and (b) the cost of a portion of the concrete sidewalk and part of the cost of constructing tree wells incidental to said improvement, shall be assessed in proportion to the benefits, 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 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 estimates 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 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

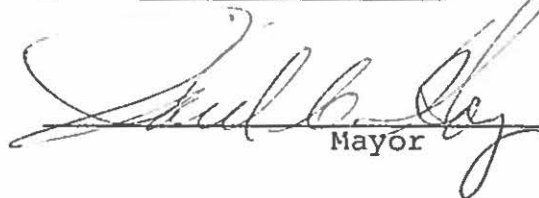
the owner of any property assessed may, at his option, pay such assessment in cash within thirty days after adoption of the assessing ordinance.

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 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 such 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 passage.

PASSED this 17<sup>th</sup> day of June, 1974.

  
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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. 35-74 passed by the Council of the City of Centerville, at a meeting held June 17, 1974.

  
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Clerk of Council