

(Ordinance Number 10-1958 continued)

WHEREAS, the Village Engineer of Centerville has heretofore been directed to prepare and to submit proposed Subdivision Regulations for the consideration of the Village Planning Commission and the Village Council, including rules and regulations relating to the actual construction of streets and other improvements and the assurance of such construction as a condition precedent to plat approval; and

WHEREAS, a public hearing has been held upon due notice, on April 28, 1958, at the Washington Township Hall, Centerville, Ohio,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Centerville, Ohio:

SECTION 1. That by virtue of the laws of the State of Ohio and the requirements of public health, safety and welfare of the inhabitants of the Village of Centerville, the following regulations for the control of plats and subdivisions are adopted by the Village of Centerville, Montgomery County, Ohio, in accordance with and by the authority of Ohio Revised Code Sections 711.09, 711.091, 711.101 and 711.102.

SECTION 2. That said Subdivision Regulations are adopted by this Council after public hearing held this date, following notice of such public hearing in a newspaper of general circulation in Centerville, Ohio.

SECTION 3. That said Subdivision Regulations, in fourteen pages and divided into Sections I through XIII, as prepared by Leo Wall, Village Engineer, upon instruction of Village Council and upon consultation with the said Village Council, the Planning Board of said Village, and the Village Solicitor, are hereinafter fully set forth and attached and incorporated herein as a part of this Ordinance.

SECTION 4. That the Village Clerk is directed to publish this Ordinance in its entirety, including a full copy of the said Subdivision Regulations hereby adopted and incorporated herein by reference, in the manner provided by Ohio Revised Code Sections 731.17 to 731.42, inclusive.

SECTION 5. That the Village Solicitor is directed to certify a copy of the said Subdivision Regulations to the County Recorder of Montgomery County, Ohio, in accordance with Ohio Revised Code Section 711.09.

SECTION 6. That the Village Engineer is directed to cause the said Subdivision Regulations so adopted to be printed in suitable form and to make copies of said regulations available to interested persons at all reasonable times upon request thereof.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after the date of its passage. Such emergency exists by reason of the fact that the control and supervision of plats and subdivisions, the planning and layout thereof, and the supervision and control of actual construction of streets and other improvements or facilities and the assurance of such proper construction is a matter of emergent necessity in order to prevent improper planning and construction which shall be detrimental to the public health, safety and welfare.

PASSED this 28th day of April, 1958.

(signed) Omer Jackson
Mayor

(signed) Kenneth E. Poff
Clerk-Treasurer

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct copy of an ordinance passed and adopted by the Council of the Village of Centerville, Ohio, this 28th day of April, 1958.

(signed) Kenneth E. Poff
Clerk-Treasurer
Village of Centerville, Ohio

ORDINANCE NUMBER 11-1958 VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF ASEWAGE DISPOSAL WORKS TO PROVIDE FOR THE TREATMENT AND DISPOSAL OF SEWAGE FROM LOTS 3349 THROUGH 3565, INCLUSIVE, OF HERBERT C. HUBER PLAT 25, CENTERVILLE, OHIO, AS RECORDED IN PLAT BOOK QQ, PAGES 52 AND 53 OF THE PLAT RECORDS OF MONTGOMERY COUNTY, OHIO.

WHEREAS, the Village of Centerville, Ohio, has enacted and passed on the 26th day of February, 1958, an ordinance, entitled "Village of Centerville, Ohio, Ordinance No. 7, 1958," determining to proceed with the construction of a sewage disposal works, consisting of a treatment plant and other proper and necessary appurtenances thereto, to provide for the treatment and disposal of sewage from Lots 3349 through 3565, inclusive, of Herbert C. Huber Plat 25, Centerville, Ohio as recorded in Plat Book QQ, Pages 52 and 53, of the Plat Records of Montgomery County, Ohio, the whole cost of such construction to be assessed the petitioning owner of such lots and lands which are to be especially benefited thereby, and

WHEREAS, plans and specifications for the construction of said sewage disposal works have been prepared by Ralph L. Woolpert Company, Consulting Engineers, Dayton, Ohio; have been approved by the Department of Health, State of Ohio, and have been approved by Leo Wall, Engineer for the Village of Centerville, Ohio, same being dated March 1958 as revised April 17, 1958, and

WHEREAS, the owner of the property upon which said sewage disposal works are to be constructed, being Lot 3557 of Herbert C. Huber Plat 25, as recorded in Plat Book QQ,

Pages 52 and 53 of the Plat Records of Montgomery County, Ohio, has tendered to the Village of Centerville, Ohio, its deed to the Village of Centerville, Ohio, conveying title to said premises, together with an easement of ingress and egress to and from said premises at Elmwood Drive, Centerville, Ohio, and

WHEREAS, an easement has been granted to the Village of Centerville, Ohio, by Zengle Construction Company, same being recorded in Book 1876, Page 282, of the Deed Records of Montgomery County, Ohio, authorizing the construction, maintenance and use of a pipe line for the transmission of the effluent discharge from said sewage disposal works into a natural drainage outlet, and

WHEREAS, Son Development Co. has proposed to provide all the labor and material for the construction of said sewage disposal works at its cost or for the sum of Twenty Four Thousand (\$24,000.00) Dollars, whichever shall be the lesser, which is the engineer's estimate of the cost of said construction, and guaranteeing the proper completion of such construction, and

WHEREAS, Son Development Co. has tendered a contract between itself and the Village of Centerville, Ohio, awarding it the contract for the construction of said sewage disposal works, said contract providing that payment thereunder shall be made only after the whole cost of this improvement shall have been collected from the assessed owner of the lots and lands which are to be especially benefited thereby, together with its bond, in the penal sum of Forty Eight Thousand (\$48,000.00) Dollars, executed by itself, as principal, and the Buckeye Union Casualty Company, as surety, guaranteeing the proper performance of said contract.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERVILLE, STATE OF OHIO, at least three fourths of all members elected thereto concurring:

Section 1. That the plans and specifications prepared by Ralph L. Woolpert Company, Consulting Engineers, Dayton, Ohio, dated March 1958 as revised April 17, 1958, for a sewage disposal works, consisting of a treatment plant and other proper and necessary appurtenances thereto, to provide for the treatment and disposal of sewage from Lots 3349 through 3565, inclusive, of Herbert C. Huber Plat 25, Centerville, Ohio, as recorded in Plat Book QQ, Pages 52 and 53, of the Plat Records of Montgomery County, Ohio, be and the same are hereby approved.

Section 2. That the deed conveying title to Lot 3557 of Herbert C. Huber Plat 25, as recorded in Plat Book QQ, at Pages 52 and 53, of the Plat Records of Montgomery County, Ohio, together with an easement of ingress and egress to and from said premises at Elmwood Drive, Centerville, Ohio, be and the same is hereby accepted.

Section 3. That the deed conveying an easement to the Village of Centerville, Ohio, by Zengle Construction Company, same being recorded in Book 1876, Page 282 of the Deed Records of Montgomery County, Ohio, be and the same is hereby accepted.

Section 4. That the proposal of Son Development Company to provide all labor and material for the construction of said sewage disposal works at its cost, or Twenty Four Thousand (\$24,000.00) Dollars, whichever shall be the lesser, and the performance bond in the penal sum of Forty Eight Thousand (\$48,000.00) Dollars, executed by Son Development Co., as principal, and the Buckeye Union Casualty Company, as surety, be and the same are hereby accepted, and that the construction contract relating to said proposal be executed.

Section 5. That the construction of said sewage disposal works be done under the supervision of Leo Wall, Village Engineer, and that the cost of the services of said Leo Wall, in approving said plans and specifications, and in obtaining the approval thereof by the Board of Health of the State of Ohio, and in supervising said construction, be included as part of the cost of construction to be assessed the owner of the lots and lands to be especially benefited thereby.

Section 6. That the cost of the services of James T. Lynn, Jr., Village Solicitor, in preparing and/or approving such documents, resolutions and ordinances as are or will be necessary and proper in connection with the improvement, and in providing the Village with legal advice in connection therewith, be included as part of the cost of construction to be assessed the owner of the lots and lands to be especially benefited thereby.

Section 7. That the said sewage disposal works as is to be initially constructed in accord with the said plans and specifications be used for the treatment and disposal of sewage from fifty (50) of the lots of Herbert C. Huber Plat 25, only, and that additional lots or lands be connected to said sewage disposal works only upon enlargement of the said facilities in accord with directives and approvals of the Department of Health, State of Ohio.

Section 8. That the said sewage disposal works shall be understood to be a temporary facility, to be used only until such time as the said lots and lands are serviced by a trunk line connecting said lots and lands with a sewage treatment plant providing sewerage service to the whole or a substantial part of the Village of Centerville, Ohio, at which time the sewage disposal works constructed under the authority hereof shall be abandoned.

Section 9. That the Ordinance No. 7-1958, enacted and passed by the Village of Centerville, Ohio, on February 26, 1958, be and the same is hereby amended by deleting therefrom Section 4 in its entirety.

Section 10. The foregoing ordinance is declared to be an emergency measure and shall take effect immediately upon its passage, the said emergency which is found and declared to exist being the necessity for proper treatment and disposal of sewage in the interest of the public health, welfare and safety.

PASSED this 16th day of May, 1958.

(signed) Omer Jackson
Mayor of the Village of Centerville, Ohio

ATTEST:

(signed) Kenneth E. Poff
Clerk-Treasurer of the Village of Centerville, Ohio