

NOTICE OF ADOPTION

I, _____, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;
and
2. That on the ____ day of _____, 20____,
Ordinance No. _____ was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. _____ was published in the
posting locations prescribed by the City of Centerville Council.



Clerk of Council

ORDINANCE NO. 17-20

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Mark Engert ON THE 14th DAY OF September, 2020.

AN ORDINANCE REPEALING AND AMENDING ORDINANCE NO. 15-19 AND LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF PUBLIC ROADWAYS, SIDEWALKS, CURBS AND SANITARY MAINS ALONG THE YANKEE TRACE WOODS, LLC PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AS PROVIDED HEREIN TO THE EXTENT OF AVAILABLE FUNDS.

WHEREAS, the City of Centerville has adopted Resolution No. 16-14 on April 21, 2014, Resolution No. 71-16 on December 19, 2016, Resolution No. 14-18 on February 19, 2018 and Resolution No. 49-19 on July 15, 2019, (collectively, the "Resolution of Necessity") declaring the necessity of making the public improvements in the Yankee Trace Woods, LLC property as described below; and

WHEREAS, the City of Centerville had adopted Ordinance No. 15-19 on July 15, 2019 whereby the City assessed the special assessment for public improvements in the Yankee Trace Woods, LLC property; and

WHEREAS, the Montgomery County Auditor has requested an amended Ordinance to reflect the Auditor's fees; and

WHEREAS, the City of Centerville adopted Ordinance No. 13-18 to proceed with the construction and installation of the public improvements in the Yankee Trace Woods, LLC property as described below; and

WHEREAS, this Council hereby determines that it is required to pass more than one measure to complete the legislation necessary to make and pay for the Improvement described below and further determines that this Ordinance is not the first measure passed in that legislative process; and

WHEREAS, it is the intent of Council to amend Ordinance No. 15-19 to comply with the County Auditor's requested procedures.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. That Ordinance No. 15-19, adopted July 15, 2019 is hereby repealed and this amended ordinance is to take its place.

Section 2. The special assessments for the cost and expense of improving the extension of a public road, sidewalks, curbs and sanitary mains starting from Yankee Trace Drive and extending approximately 1400 feet through the property known as the Yankee Trace Woods property to a point of intersection with Paragon Road, together with all necessary appurtenances thereto, (collectively, the "Improvements") more fully described in the plans and specifications on file in the office of the Clerk of Council, and as provided in Resolution No. 16-14, 71-16, 14-18 and 49-19 to the extent of available funds, which are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolutions in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in accordance with the terms and limitations of the special assessment petition.

Section 3. This Council finds and determines that the special assessments are in the amounts provided for in the special assessment petition.

Section 4. That the cost of the 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 any damages resulting from 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 any real estate or interests therein required for the improvement, expenses of legal services including obtaining approving legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at the rate of three and one tenth percent (3.1%) per annum on moneys advanced by the City for the cost of that improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures. The special assessment against each lot or parcel of land shall be payable by the owners in thirty (30) annual installments of principal and interest, plus county auditor fees, as provided by Ohio Revised Code Section 727.36. All special assessments shall be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as taxes are collected without the auditor's fee included. The Council confirms that the cash payment period has been waived by the special assessment petition.

Section 5. The Clerk of Council shall keep on file in the office of the Clerk of Council the special assessments.

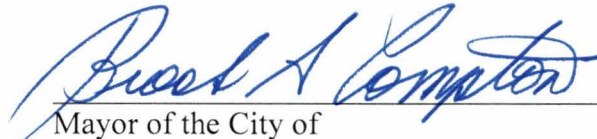
Section 6. In compliance with Ohio Revised Code Section 319.61, the Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 20 days after its passage.

Section 7. The Clerk of Council is hereby authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

Section 8. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.


Section 9. This ordinance shall take effect at the earliest date allowed by law.

PASSED THIS 14th day of September, 2020.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 17-20, passed by the Council of the City of Centerville, Ohio on the 14th day of September, 2020.


Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney