

ORDINANCE NO. 43-2008

Offered by All of Council

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PROPERTIES IN THE VILLAGE OF RICHFIELD BY CONSTRUCTING SANITARY SEWERS TOGETHER WITH CONNECTIONS THEREFOR AND THE NECESSARY APPURTENANCES THERETO IN MOTOR ROAD, RATENER ROAD, FIVE OAKS DRIVE AND HAROLD DRIVE BETWEEN CERTAIN TERMINI AND DECLARING AN EMERGENCY.

WHEREAS, Council adopted Resolution No. 3-2008 on March 4, 2008 declaring the necessity of making improvements described in Sections 1 and 5 of that Resolution by constructing sanitary sewers together with connections therefor and the necessary appurtenances thereto in Motor Road, Ratener Road, Five Oaks Drive and Harold Drive between certain termini; and

WHEREAS, this Council adopted Resolution No. 41-2008 on August 5, 2008 approving the report of the Assessment Equalization Board.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That it is determined to proceed with the improvement of the properties described in Sections 1 and 5 of Resolution No. 3-2008, adopted on March 4, 2008, by constructing sanitary sewers together with connections therefor and necessary appurtenances thereto, in Motor Road, Ratener Road, Five Oaks Drive and Harold Drive between certain termini (hereinafter referred to as the "Improvement").
- SECTION 2. That the Improvement shall be made in accordance with the provisions of Resolution No. 3-2008, and with plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.
- SECTION 3. That all claims for damages resulting from the Improvement that have been legally filed shall be inquired into after completion of the Improvement, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.
- SECTION 4. That the portion of the cost of the Improvement to be assessed in accordance with Resolution No. 3-2008 shall be assessed in the manner and pursuant to the payment schedule set forth, and on the lots and lands described, in that Resolution.
- SECTION 5. That the estimated special assessments previously prepared and filed in the office of the Clerk of Council and as approved by the Assessment Equalization Board are adopted.

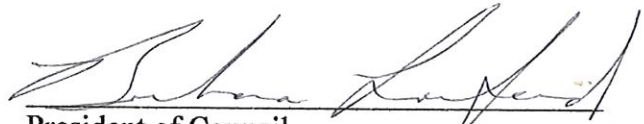
SECTION 6. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

SECTION 7. Subject to the provisions of Section 727.24 of the Revised Code, the Mayor and Finance Director are authorized and directed, as soon as the funds are available, to make and sign a contract for the Improvement with the lowest and best bidder after advertising according to law, and the Improvement shall be financed as provided in Resolution No. 3-2008.

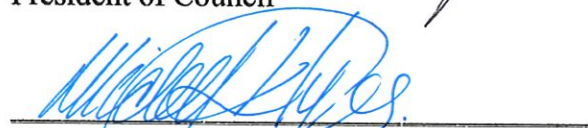
SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to provide for the construction of the Improvement, which is needed to eliminate existing and potential hazards to the health of the owners of the property to be assessed and neighboring areas; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8/19/08

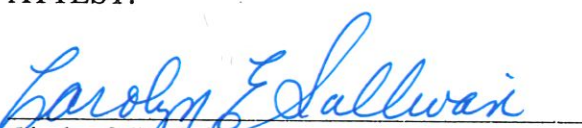


President of Council



Mayor

Dated: 8/19/08

ATTEST:


Clerk of Council