

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN PROPERTIES IN THE VILLAGE OF RICHFIELD BY CONSTRUCTING SANITARY SEWERS, SANITARY SEWAGE CONNECTIONS AND SANITARY SEWAGE PUMPING STATIONS IN SEWER DISTRICT NO. 2 IN ACCORDANCE WITH PLANS AND SPECIFICATIONS PREPARED BY THE VILLAGE'S CONSULTING ENGINEER, FINKBEINER, PETTIS & STROUT, LTD., TOGETHER WITH NECESSARY APPURTENANCES THERETO AND DECLARING AN EMERGENCY

BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio, three-fourths (3/4) of the members elected hereto concurring:

- SECTION 1: That it is necessary to improve certain properties in the Village of Richfield Sewer District No. 2 as set forth in Section 921.03 of the Streets, Utilities and Public Services Code by constructing sanitary sewers, sanitary sewage connections and sanitary sewage pumping stations, all together with necessary appurtenances thereto (the "improvement").
- SECTION 2: That the plans, specifications, profiles and estimates of cost of the improvement, prepared by Finkbeiner, Pettis & Strout, Ltd. ("Consulting Engineer") and now on file in the office of the Clerk of Council, are approved and made a part of this Resolution.
- SECTION 3: The improvement shall be made in accordance with and the grade of said improvement shall be the grade shown on the Consulting Engineer's plans, specifications and profiles which are made a part hereof.
- SECTION 4: This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this Village and the inhabitants thereof, (ii) the improvement constitutes a continuous sewer improvement which shall be included in the same legislation and in the same contracts and (iii) the lots and lands to be assessed as described in Section 5 hereof are specifically benefited by the improvement.
- SECTION 5: The Village shall assume and pay as its portion of the cost of the improvement the amount of \$259,375.00. The balance of the cost of said improvement shall be assessed in proportion to the benefits which may result from the improvement upon the following described lots and lands, to wit:

All lots and lands of the owners of property bounding and abutting on the improvement, which lots and lands are hereby determined to be specially benefited by the improvement; and the cost of said improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates of printing, serving and publishing notices, resolutions and ordinances, the amount of 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 therefor any required real estate or interests therein, expenses of legal services including obtaining an approving opinion, cost of labor and material, and interest on bonds and notes or any financing agreement entered into with the Ohio Water Development Authority in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

SECTION 6: That the Consulting Engineer is authorized and directed to prepare or cause to be prepared and filed in the office of the Clerk of Council the estimated assessments of the cost of the improvement described in this Resolution. Those estimated assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Resolution. When the estimated assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 7: The special assessments to be levied shall be paid in fifty (50) semi-annual installments, with interest on the unpaid balance amount of each special assessment at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the total of the unpaid special assessments; provided that if any portion of the cost of the improvement is financed pursuant to an agreement between the Village and the Ohio Water Development Authority pursuant to Section 6121.13 of the Revised Code, then the special assessments to be levied to pay costs of that portion of the improvement shall be paid in fifty (50) semi-annual installments, with interest on the unpaid principal amount of each such special assessment at the same rate as the Village shall be obligated to pay under such agreement; provided that the owner of

any property assessed may pay the special assessment in cash within thirty (30) days after passage of the assessing ordinance.

SECTION 8: Bonds of the Village shall be issued in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total unpaid special assessments; notes of the Village shall be issued in anticipation of the issuance of those bonds and the levy of the special assessments; provided that bonds and notes shall not be issued to finance that portion of the improvement, if any, financed in anticipation of the collection of special assessments pursuant to an agreement between the Village and the Ohio Water Development Authority as described in Section 6 hereof. The remainder of the entire cost of the improvement, after application of the special 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 9: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Revised Code Section 121.22.

SECTION 10: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said Village and for the further reason that the immediate construction of said improvement is necessary to provide sanitary sewers to the property owners as promptly as possible; wherefore, this Resolution shall be in full force and effect from and immediately after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: June 5, 1990

[Signature]
President of Council

[Signature]
Mayor

Dated: 6/5/90

ATTEST:
[Signature]
Clerk of Council