

RESOLUTION NO. 3-2008

Offered by: All of Council

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE MOTOR ROAD, RATENER ROAD, FIVE OAKS DRIVE AND HAROLD DRIVE BY INSTALLATION OF A SANITARY SEWER LINE WITH NECESSARY APPURTENANCES

WHEREAS, plans and specifications for the improvement of Motor Road, Ratener Road, Five Oaks Drive and Harold Drive by constructing a sanitary sewer line all together with necessary appurtenances are now on file in the office of the Service Director (the "Improvement").

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

- SECTION 1. That it is necessary to improve Motor Road, Ratener Road, Five Oaks Drive and Harold Drive in the Village of Richfield between certain termini by constructing a sanitary sewer line all together with necessary appurtenances thereto.
- SECTION 2. That pursuant to Section 727.09, this Council hereby finds that the Improvement may be treated as one single improvement which shall be improved by one contract.
- SECTION 3. That the plans, specifications, profiles and estimates of cost of the Improvement, prepared by Arcadis, the Village's Consulting Engineer, and now on file in the office of the Service Director, are approved and made a part of this Resolution.
- SECTION 4. That the grade of said Improvement shall be the grade shown on the Consulting Engineer's plans and profiles which are made a part hereof.
- SECTION 5. That the entire cost of the Improvement, less contributions as authorized by Council, shall be assessed in proportion to the benefits which may result from the improvement upon the following lots and land, to wit:

All lots and lands fronting on the Improvement, a list of which lots is attached hereto as Exhibit A, which lots and lands are hereby determined to specially benefited by the Improvement. 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 issued 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 Service Director 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 Service Director 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 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 or, if bond are issued internally, at a rate certified by the Finance Director for similarly issued debt; 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 may 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 may be issued in anticipation of the issuance of those bonds and the levy of the special assessments. The remainder of the entire cost of the Improvement, after application of the special assessment herein provided, may 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 the 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 health, safety and welfare and for the further reason that the immediate construction of said improvement is necessary to provide potable water; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED: 3/4/08



President of Council

ATTEST:


Clerk of Council



Mayor

Dated: 3/4/08