

Resolution No. _____

Passed _____

20____

RESOLUTION NO. 3 - 12

A RESOLUTION LEVYING ASSESSMENTS FOR THE CONSTRUCTION OF SIDEWALKS AGAINST ABUTTING PROPERTY OWNERS WHO HAVE FAILED TO COMPLY WITH THE PLANS AND SPECIFICATIONS OF THE CITY OF ORRVILLE, OHIO, WITHIN THE TIME PRESCRIBED AS SET FORTH IN THE SIDEWALK INSTALLATION PROGRAM, PHASE III, AND DECLARING AN EMERGENCY.

WHEREAS, the sidewalk construction as described in Resolution No. 16-07, specifically described as "Phase III" has been completed and the costs of that improvement have been determined; and

WHEREAS, certain property owners did not complete the installation of sidewalks in accordance with the plans and specifications and within the time period allowed by the City of Orrville, Ohio, (the "City?");

NOW, THEREFORE, pursuant to Resolution No. 16-07 adopted April 16, 2007, and in accordance with construction costs in the amount of \$72,389.00, incurred by the City to complete the sidewalk installation program, Phase III;

IT IS HEREBY RESOLVED by the Council of the City of Orrville, Wayne County, Ohio, three-fourths of all members elected thereto concurring:

Section 1: This Council finds and determines that the assessments for the construction of sidewalks shall be levied against the abutting property owners in the amounts designated as now on file in the office of the Clerk of Council.

Section 2: The special assessment against each lot parcel of land shall be payable in cash or by check within 60 days after the passage of this ordinance, or at the option of the owner in ten (10) semi-annual installments with interest at the same rate or rates of interest as borne by any securities to be issued in anticipation of the collection of the special assessments, or, if those securities are not issued, at the rate of 5% per year, which interest rate is determined by this Council to be substantially equivalent to the fair market rate that would have been borne securities issued in anticipation of the collection of the special assessments if those securities had been issued by this Council. All cash payments shall be made to the Safety-Service Department of this City. All special assessments remaining unpaid at the expiration of those 60 days shall be certified by the Finance Director to the County Auditor, as provided by law to be placed on the tax duplicate and collected as taxes are collected;

Section 3: The Clerk of Council shall cause a notice of the passage of this Resolution to be published once in a newspaper of general circulation in this City and to continue to keep on file in the office of the Clerk of Council the list of property owner names and assessments.

Section 4: The Clerk of Council is directed to deliver a certified copy of this Resolution to the County Auditor within twenty (20) days after its passage.

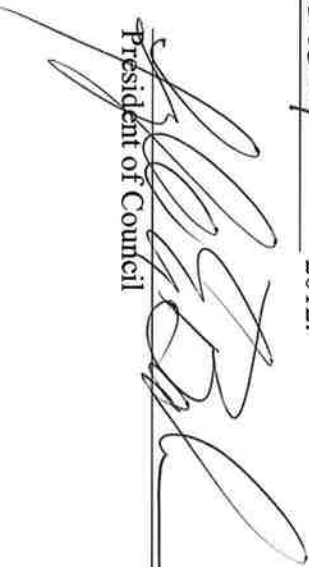
Section 5: The Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of the Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

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Section 6: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that the immediate effectiveness of this Resolution is required in order that the assessments herein levied may be immediately effective so that the notes issued in anticipation of the levy thereof may be refunded by bonds issued in anticipation of the collection of these assessments and thereby preserve the credit of the City; wherefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed this 6th day of February 2012.

Attest:



President of Council

Gene Stahl
Clerk of Council

Approved:
David J. Handman
Mayor

Date: 2/6/12