

RESOLUTION NO. 38-06

A RESOLUTION DECLARING IT NECESSARY TO EXTEND DAIRY LANE BY GRADING, DRAINING, PAVING, CURBING AND CONSTRUCTING NECESSARY STORM SEWERS AND CONSTRUCTING A SIDEWALK ON A PORTION THEREOF AND DECLARING AN EMERGENCY.

WHEREAS, this Council desires to extend Dairy Lane by grading, draining, paving, curbing and constructing necessary storm sewers and constructing a sidewalk on a portion thereof, and

WHEREAS, based on the present estimated project cost of \$219,280.00, this Council has determined that the cost of the project shall be paid from the following sources, to-wit: \$131,568.00 from special assessments against benefited property owners who will utilize \$100,000.00 in Roadwork Development Grant funds from the Ohio Department of Development; and \$87,712.00 from City funds or bonds or notes of the City , which reserves the right, however, to hereafter increase or decrease the non-assessment portion of the project cost depending upon actual construction costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, Wayne County, Ohio, at least three-fourths of all members elected thereto concurring:

Section 1: That it is necessary to extend Dairy Lane northerly five hundred fifty (550) feet by grading, draining, paving, curbing, constructing necessary storm sewers, and constructing a sidewalk on a portion thereof;

Section 2: That said street shall be improved as shown on the plans hereinafter referred to and now on file in the office of the Clerk of Council;

Section 3: That it is hereby determined and declared that said improvement is conducive to the public health, convenience, and welfare of said City and the inhabitants thereof;

Section 4: That the grade of said street and improvements shall be the grade as shown by the plans and profiles which have been prepared by the engineer and which are made a part hereof;

Section 5: That the plans, specifications, estimates and profiles of the proposed improvement, heretofore prepared by the City's consulting engineers, Poggemeyer Design Group, Inc., of Bowling Green, Ohio, and now on file in the office of the Clerk of this Council, are hereby approved;

Section 6: That the amount of \$131,568.00 shall be assessed in proportion to the benefits that may result from the improvement upon the following described lots and lands:
All lots and lands in the City of Orrville bounding and abutting upon the proposed improvement between the termini aforesaid, which said lots and lands are hereby determined to be specially benefited by said improvement; and the cost of said

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 damages resulting from the improvement and the interest thereon, the cost incurred in connection with the preparation, levy and collection of special assessments, expenses of legal services including obtaining an approving legal 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 7: That Poggemeyer Design Group, Inc., consulting engineers to this City, be and they are hereby authorized and directed to prepare and file in the office of the Clerk of this Council the estimated assessments of the cost of the improvement described in this resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk on this Council and shall be prepared pursuant to the provisions of this resolution. When such estimated assessments have been filed, said Clerk shall cause notice of the adoption of this resolution and the filing of said estimated assessments to be served on the owners of all lots and lands to be assessed as provided in Revised Code Section 727.13;

Section 8: That the assessments to be levied shall be paid in ten semi-annual installments, with interest on deferred payments at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof, or at a rate of 6% if bonds are not issued, provided, that the owner of any property assessed may, at his option, pay such assessment in cash within thirty days after passage of the assessing ordinance;

Section 9: That bonds of the City shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto and notes of said City shall be issued in anticipation of the issuance of such bonds and the levy of such assessments;

Section 10: That the City shall assume all costs of said improvements in excess of \$219,280.00, and to the extent such costs are not paid for in cash, such costs assumed by the City shall be paid by the issuance of bonds in the manner provided by law or from other funds available for such purpose; and

Section 11: That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City, and for the further reason that the immediate construction of said improvements is necessary to eliminate existing hazards to pedestrian and vehicular traffic, wherefore, this resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Passed this _____ day of _____ 2006.

President of Council

Attest:

Clerk of Council

Approved:

Mayor

Date_____