

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN PROPERTIES IN THE VILLAGE OF RICHFIELD BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH SERVICE CONNECTIONS, AND SANITARY SEWAGE PUMPING STATIONS, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, IN CERTAIN DESIGNATED LOCATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council, pursuant to Ordinance No. 38-1986 passed on September 2, 1986, accepted certain petitions for the improvement described in Section 1 hereof and, in reliance on those petitions, authorized Finkbeiner, Pettis & Strout, Ltd., consulting engineers to the Village, to prepare plans, specifications, profiles and an estimate of cost for the construction of that improvement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, Ohio, three-fourths of all members elected or appointed thereto concurring, that:

- Section 1. It is declared necessary to improve the properties in the Village described in Section 4 hereof by constructing sanitary sewers, together with service connections, and sanitary sewage pumping stations, together with the necessary appurtenances thereto, in Brecksville Road and in adjacent easements of the Village from Everett Road to an existing sanitary sewer owned by Cuyahoga County located in Parkview Road in the City of Brecksville, in Broadview Road and in adjacent easements of the Village, northwesterly a distance of approximately 515 feet from the centerline of Brecksville Road, in Streetsboro Road, westerly a distance of approximately 300 feet from the centerline of Brecksville Road, and in Congress Parkway and in adjacent easements of the Village, easterly a distance of approximately 1,937 feet from the centerline of Brecksville Road and westerly a distance of approximately 1,500 feet from the centerline of Brecksville Road.
- Section 2. The plans, specifications, profiles and estimate of cost of the improvement, prepared by the consulting engineers to the Village and now on file in the office of the Clerk of Council, are approved and made a part of this resolution. The improvement shall be made in accordance with, and the grade of the improvement and of any street shall be the grade as shown on, the plans, specifications and profiles for the improvement.
- Section 3. 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 4 hereof are specially benefited by the improvement.

Section 4. The Village shall assume and pay as its portion of the cost of the improvement the amount of \$1,300,000. The balance of the cost of the improvement shall be assessed in proportion to the benefits that may result from the improvement upon the following lots and lands, in the following manner, to wit:

All of the costs to be assessed for the improvement shall be assessed upon all lots and lands bounding and abutting upon the improvement between the termini as described in Section 1 hereof and upon that lot bearing permanent parcel No. P.M. 50-01569, except that those costs shall not be assessed against (i) those lots owned by the Akron Metropolitan Park District located east of Brecksville Road between Brush Road and Boston Mills Road, (ii) those lots owned by the Akron Metropolitan Park District located west of Brecksville Road between Townsend Road and Boston Mills Road, (iii) those rights-of-way owned by the Ohio Department of Transportation adjacent to Interstate Highways 271 and 77, (iv) those rights-of-way owned by the Ohio Turnpike Commission adjacent to the Ohio Turnpike, (v) that lot owned by the Township of Richfield located to the southwest of the intersection of Brecksville Road and Streetsboro Road, (vi) that lot owned by the Village of Richfield located west of Brecksville Road approximately 2,456 feet north of the centerline of the intersection of Brecksville Road and Streetsboro Road and (vii) that lot owned by the Village of Richfield located to the northwest of the intersection of Brecksville Road and Broadview Road.

Section 5. The cost of the 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 any 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 any real estate or interests therein required for the improvement, expenses of legal services including obtaining any approving legal opinions, cost of labor and material, and interest on bonds, 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. Finkbeiner, Pettis & Strout, Ltd., consulting engineers to the Village, are authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special 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 special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated special 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 semi-annual installments, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by the bonds or notes 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 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; and provided further that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

Section 8. Bonds of the Village shall be issued in anticipation of the collection in annual installments of the special assessments and in an amount equal to the total of the unpaid special assessments, and notes of the Village may 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 7 hereof. The remainder of the entire cost of the improvement, after application of the special assessments, shall be paid by the issuance of bonds in the manner provided by law or from other funds available for that purpose.

Section 9. This Council finds and determines 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 those formal actions were in meetings open to the public in compliance with the law.

Section 10. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and for the further reason that this resolution is required to be immediately effective to provide for the construction of the improvement, which is needed to eliminate existing hazards to the health and property of the residents of the Village; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor.

Approved:

E. June Feebie
Mayor
David W. Howard
President of Council

Passed: September 3, 1987

I, the undersigned Clerk of Council of the Village of Richfield, Summit County, Ohio, do hereby certify that the foregoing Resolution No. 41-1987, was duly and regularly adopted by the Council of the Village of Richfield, Summit County, Ohio, at a regular meeting of Council on the _____ day of September, 1987.

Mary L. Hegley
Clerk of Council
Village of Richfield, Ohio

Approved as to legal form:

Director of Law

Posted: 9/8/87