

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN IMPROVEMENT PETITION FOR CAMBRIDGE COURT AND DECLARING AN EMERGENCY

BE IT RESOLVED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That the Improvement Petition for Cambridge Court, a copy of which is attached hereto as Exhibit "A" and incorporated herein fully as if by reference, be, and the same hereby is, accepted.

SECTION 2. 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 it is immediately necessary in order to provide necessary street improvements; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect and be in force immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 6, 1998

Michael Lyons
President of Council

Donald Larsen
Mayor

Dated: 10/6/98

ATTEST:

Carole Gibson
Clerk of Council

LEGAL DESCRIPTIONPARCEL 1

Located in Richfield Township, Summit County, Ohio and being part of Lot 9, Tract 4 in said Township, being more fully described as follows:

Beginning at the intersection of the Boston-Mills-Hudson Road and the Cleveland-Massillon Road, thence northeasterly and to the left along the arc of a 3° curve with a radius of 1909.86 feet, 1246.85 feet to a point in the old center line of the Cleveland-Massillon Road, the place of beginning of the parcel about to be described.

Thence West 661 feet to a point, thence North 200 feet to a point; thence East 666.70 feet to a point in the old center line of the Cleveland-Massillon Road; thence S. 1°38', 200 feet along the old center line of the Cleveland-Massillon Road to the place of beginning and containing approximately 3.05 acres.

PARCEL 2

Located in Richfield Township, Summit County, Ohio and being part of Lot 9, Tract 4 in said Township, being more fully described as follows:

Beginning at the intersection of the Boston-Mills-Hudson Road and the Cleveland-Massillon Road, thence northeasterly and to the left along the arc of a 3° curve with a radius of 1909.86 feet, 1446.85 feet to a point in the old center line of the Cleveland-Massillon Road, the place of beginning of the parcel about to be described.

Thence West 666.70 feet to a point, thence North 200 feet to a point; thence East 672.40 feet to a point in the old center line of the Cleveland-Massillon Road; thence S. 1°38', 200 feet along the old center line of the Cleveland-Massillon Road to the place of beginning and containing approximately 3.07 acres, be the same more or less, but subject to all legal highways.

PERMANENT PARCEL NOS. 5001274 and 5001275

**Improvement Petition
Cambridge Court, Approximately 440 Feet.**

TO THE COUNCIL OF THE VILLAGE OF RICHFIELD, STATE OF OHIO:

We, the undersigned, owners of the property described in Exhibit "A" attached hereto, being the owners of not less than one hundred percent (100%) of the area to be assessed for the improvements hereinafter described, do hereby respectfully petition your Honorable Body pursuant to Section 727.06 thru 727.08 of the Ohio Revised Code for full improvements on Cambridge Court, a distance approximately 440 feet, between certain termini, by construction of a new commercial road, including preparation of all engineering services, for all items above and inclusive of construction of road, clearing, erosion control, grading, draining, curbing, sidewalks, constructing water mains and water service connection where necessary, and constructing storm sewers, storm sewers connections, and constructing a pump station, force main and sanitary sewers and sanitary sewer connections, trenching, for utility companies, landscaping, street lighting, retaining walls and storm water facilities. Contact, coordinate and follow through of all local utility company requirements. Including electric, gas, water, telephone, cable, sanitary, and storm sewer and have appropriate officials sign off on prepared plat drawing. One copy of all items listed above to be provided to owner all together with necessary appurtenances thereto ("improvement").

The undersigned, and each of them, consents and requests that the entire cost of the improvements be assessed on a benefit basis as determined by Council plus interest costs at market rate which shall be the same rate as shall be borne by bonds of the Village to be issued in anticipation of the collection of said assessments.

The undersigned, and each of them, further consent and request that the said assessments be levied and collected without limitation as to the value of the property assessed hereunder and waive all rights, benefits or privileges fixed by Sections 727.03 and 727.06 Ohio Revised Code, or

any other section thereof restricting assessment to thirty three and one-third percent (33-1/3%) of the actual improved value of said properties as enhanced by the improvement to be made, and waive all benefits of section 727.04, Ohio Revised Code, or of any other section thereof limiting assessments for reimprovements where an assessment has been levied and paid previously.

The undersigned, and each of them further waive any damages or claims for damages of whatsoever kind, character or description growing out of resulting from said improvement or the making thereof, including, but not by way of limitation, all rights, benefits and privileges which are fixed by Section 727.18 to 727.22, inclusive, and Section 727.43, Ohio Revised Code.

The undersigned, and each of them, further waive all resolutions, ordinances and notices required for the making of said improvements, including the notice of adoption of the resolution of necessary assessments, the increase in the cost of labor and materials over the estimated costs there of and the passage of the assessment ordinance or ordinances, including, but not by way of limitation, such notices as are authorized and required by Section 727.13, 727.16, 727.24, and 727.26, Ohio Revised Code.

The undersigned, and each of them, further waive any and all irregularities and defects in all proceedings pertaining to said improvements and agree that the terms of this Petition shall be binding upon their respective heirs, successors and assigns. This Petition repeals and replaces all previous petitions executed in this matter.

The undersigned, and each of them, further request that they have the opportunity to review the engineering plans and estimated costs for the improvements after preparation but prior to advertisement for bid by the municipality. If the undersigned does not approve of the plans or estimated costs, it may cancel this improvement and not authorize the municipality to go forward

with the project, it being understood, however, that the undersigned will reimburse the Village for all engineering, professional fees and other costs incurred in the improvement.

The undersigned persons, who are owners of the parcels of land abutting on the improvement, do hereby consent and request that their individual parcels be assessed as set forth above and do consent and agree their individual parcels be subject to the terms of the Petition in all respects.

SIGNED:

ADDRESS:

21 South Ltd., (An Ohio Limited Liability Co.)

6728 Seneca Road
Mayfield Village, Ohio 44143

By: Mark DiNardo 8-21-98
Mark DiNardo, President Date

By: Victor DiChiro 8-21-98
Victor DiChiro, Vice President Date