

A RESOLUTION AMENDING RESOLUTION NO. 41-1987, ADOPTED ON SEPTEMBER 3, 1987, WHICH DECLARED 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 heretofore adopted Resolution No. 41-1987 declaring it necessary to construct the improvement therein described, and

WHEREAS, Council has determined that in order to more accurately describe the properties to be assessed for that improvement and to specifically designate the relative duties of the Directors of Public Service and Finance and the consulting engineer in the preparation of the estimated assessments for that improvement it is necessary to amend Resolution No. 41-1987 as herein provided;

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. In order to more accurately describe the properties to be assessed for the improvement therein set forth and to specifically designate the relative duties of the Directors of Public Service and Finance and the consulting engineer regarding the preparation of estimated assessments, Sections 4 and 6 of Resolution No. 41-1987 as they were adopted on September 3, 1987, be and the same are hereby amended to read as follows:

"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:

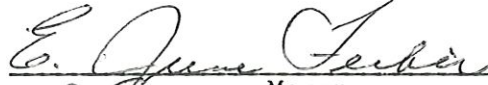
All of the costs to be assessed for the improvement shall be assessed upon all lots and lands within the area described in Exhibit A hereto which is made a part hereof, except (i) those lots owned by the Akron Metropolitan Park District located east of Brecksville Road between Brush Road and Boston Mills 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.

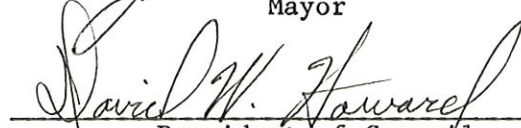
- "Section 6. The Directors of Public Service and Finance, assisted by Finkbeiner, Pettis & Strout, Ltd., consulting engineers to the Village, are authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described 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 2. Sections 4 and 6 of Resolution No. 41-1987 as they were adopted on September 3, 1987, be and the same are hereby repealed.
- Section 3. 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 4. 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:




Mayor



President of Council

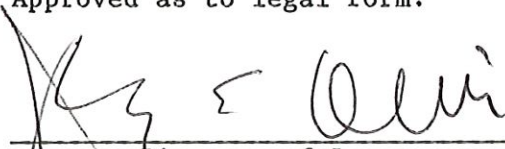
Adopted: September 29, 1987

I, the undersigned Clerk of Council of the Village of Richfield, Summit County, Ohio, do hereby certify that the foregoing Resolution No. 43-1987, was duly and regularly adopted by the Council of the Village of Richfield, Summit County, Ohio, at a special meeting of Council on September 29, 1987.



Clerk of Council
Village of Richfield, Ohio

Approved as to legal form:



Director of Law

Posted: _____

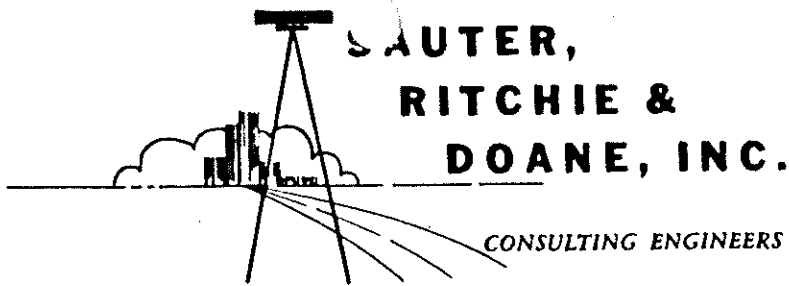


EXHIBIT A

1830 PORTAGE TRAIL
CUYAHOGA FALLS, OHIO 44223
(216) 929-2656

J. J. KNECHT, P.E.

Beginning at a point at the centerline intersection of Brecksville Road and Everett Road;

Thence, westerly along the centerline of Everett Road and the south corporation line of the Village of Richfield, a distance of about 1194.32 feet to a point on the west line of lands now or formerly owned by J. W. Constantine, Jr.;

Thence, northerly along said J. W. Constantine, Jr. west line a distance of about 543.21 feet to a point;

Thence, easterly along said J. W. Constantine, Jr. north line a distance of about 88.21 feet to a point;

Thence, northerly along said J. W. Constantine, Jr. west line a distance of about 598.84 feet to a point;

Thence, easterly along said J. W. Constantine, Jr. north line and lands now or formerly owned by Richfield Truck Center, Inc. a distance of about 522.79 feet to a point;

Thence, northerly along said Richfield Truck Center, Inc. east line a distance of about 898.45 feet to a point in the centerline of Hart Road;

Thence, westerly along the centerline of Hart Road a distance of about 211.29 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by Merry Co., Inc. a distance of about 694.16 feet to a point on the south line of Lot 7, Tract 3;

Thence, westerly along the south line of Lot 7, Tract 3 a distance of about 50.21 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by M. & G. & J. Gallucci a distance of about 440.07 feet to a point on the centerline of Maple Drive;

Thence, easterly along the centerline of Maple Drive a distance of about 124.22 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by Duff Warehouse, Inc. a distance of about 300.00 feet to a point;

Thence, westerly along said Duff Warehouse, Inc. south line and lands now or formerly owned by Alleghany Property Holdings, Inc. a distance of about 418.10 feet to a point;

Thence, northerly along said Alleghany Property Holdings, Inc. west line a distance of about 266.02 feet to a point;

Thence, westerly along said Alleghany Property Holdings, Inc. and lands now or formerly owned by Emil Pawuk & Assoc., Inc. south line a distance of about 3616.97 feet to a point on the west corporation line of the Village of Richfield;

Thence, northerly along the west corporation line of the Village of Richfield a distance of about 790.00 feet to a point on the south right-of-way line of Interstate 271;

Thence, northeasterly along the south right-of-way line of Interstate 271 a distance of about 4707.00 feet to a point on the centerline of Broadview Road;

Thence, northwesterly along the centerline of Broadview Road a distance of about 2285.00 feet to a point;

Thence, easterly along lands now or formerly owned by G. W. Rooney a distance of about 231.93 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by G. E. Tishel a distance of about 296.16 feet to a point;

Thence, easterly along said G. E. Tishel north line a distance of about 805.21 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by L. B. Shade, et al, a distance of about 432.72 feet to a point on the south line of Lot 2, Tract 3;

Thence, westerly along the south line of Lot 2, Tract 3 a distance of about 243.00 feet to a point;

Thence, northerly along the east line of Garden Forest Estates and the west line of land now or formerly owned by J. D. Brown and H. R. Bigadza a distance of about 1740.33 feet to a point;

Thence, westerly along the south line of lands now or formerly owned by V. F. Carter a distance of about 1228.22 feet to a point;

Thence, northerly along the west line of said V. F. Carter lands a distance of about 50.82 feet to a point;

Thence, northeasterly along the north line of said V. F. Carter lands a distance of about 642.84 feet to a point;

Thence, northerly along the north line of said V. F. Carter lands a distance of about 246.18 feet to a point;

Thence, easterly along the north line of said V. F. Carter lands a distance of about 503.58 feet to a point;

Thence, northerly along the west line of said V. F. Carter lands a distance of about 608.84 feet to a point;

Thence, northeasterly along the north line of said V. F. Carter lands a distance of about 479.72 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by M. E. Bale a distance of about 398.41 feet to a point;

Thence, northeasterly along the north line of said M. E. Bale lands a distance of about 464.22 feet to a point;

Thence, northerly along the east line of lands now or formerly owned by R. L. and W. L. Kucharski a distance of 414.58 feet to a point on the centerline of Streetsboro Road;

Thence, easterly along the centerline of Streetsboro Road a distance of about 44.78 feet to a point;

Thence, northeasterly along the west line of lands now or formerly owned by M. Marfut a distance of about 202.27 feet to a point;

Thence, northwesterly along said M. Marfut south line a distance of about 67.10 feet to a point;

Thence, northerly along said M. Marfut west line a distance of about 624.05 feet to a point;

Thence, southwesterly along the south line of lands now or formerly owned by J. H. Boros and G. B. Novak a distance of about 407.00 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by said J. H. Boros and G. B. Novak, Trustees Richfield, Township Cemetary, East Ohio Gas Co., C. C. Palmer and J. W. and H. Martin a distance of about 2450.00 feet to a point;

Thence, easterly along the north line of said J. W. and H. Martin lands a distance of about 498.36 feet to a point;

Thence, northerly along the west line of land now or formerly owned by J. W. and H. Martin, R. B. and O. I. Grupe, and W. H. and O. R. Ellis a distance of about 679.32 feet to a point;

Thence, easterly along the north line of said W. H. and O. R. Ellis lands a distance of about 455.89 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by H. and B. W. Weitzel, Jr. and M. R. Hobart a distance of about 791.75 feet to a point on the centerline of Brush Road;

Thence, easterly along the centerline of Brush Road a distance of about 275.75 feet to a point;

Thence, northeasterly along the east line of lands now or formerly owned by D. M. Kouba a distance of about 562.95 feet to a point;

Thence, westerly along the north line of said D. M. Kouba lands a distance of about 542.36 feet to a point;

Thence, northerly along the west line of said D. M. Kouba lands a distance of about 140.00 feet to a point on the north corporation line of the Village of Richfield;

Thence, easterly along the north corporation line of Richfield Village a distance of about 50.00 feet to a point;

Thence, northerly along the west line of Lot 5, Tract 4 and the west corporation line of the Village of Richfield a distance of about 760.00 feet to a point;

Thence, easterly along the north line of lands now or formerly owned by H. F. Primosch a distance of about 1035.00 feet to a point on the west right-of-way line of Brecksville Road;

Thence, northeasterly along the west right-of-way line of Brecksville Road a distance of about 2650.00 feet to a point;

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Thence, westerly along the south line of Lot 7, Tract 4, and of lands now or formerly owned by Metropolitan Park Board a distance of about 481.83 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by Richfield Associates, R. W. and R. F. Forbes, B. J. Stubbins, Jr., Pinewood, Inc., a distance of about 1835.85 feet to a point;

Thence, easterly along the south line of lands now or formerly owned by J. Adams a distance of about 200.00 feet to a point;

Thence, northerly along the east line of said J. Adams lands a distance of about 400.00 feet to a point on the centerline of Brushwood Road;

Thence, westerly along the centerline of Brushwood Road a distance of about 250.00 feet to a point;

Thence, northerly along the west line of lands now or formerly owned by A. N. and R. J. Martella and R. J. and B. J. Likowski, the Cleveland Electric Illuminating Co., a distance of about 2270.00 feet to a point on the north right-of-way line of Interstate 77;

Thence, northwesterly along the north right-of-way line of Interstate 77 a distance of about 1497.68 feet to a point on the north corporation line of the Village of Richfield;

Thence, easterly along the north corporation line of the Village of Richfield a distance of about 2550.00 feet to a point on the East corporation line of the Village of Richfield;

Thence, southerly along the east corporation line of the Village of Richfield a distance of about 4130.00 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by F. P. Raab; F. A. Ward, H. M. and S. L. Mavnard, Century 21 of Ohio, Inc. and M. H. and D. A. Bowers, a distance of about 1510.00 feet to a point on the Richfield Village Corporation line;

Thence, westerly along the Richfield Village corporation line a distance of about 360.00 feet to a point;

Thence, southerly along the Richfield Village Corporation line a distance of about 6760.00 feet to a point on the north line of Hawthorne Estates;

Thence, westerly along the north line of Hawthorne Estates a distance of about 100.00 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by Nero Realty & Co., Inc. a distance of about 147.80 feet to a point;

Thence, westerly along the north line of said Nero Realty & Co., Inc. lands a distance of about 125.00 feet to a point;

Thence, southerly along the east line of said Nero Realty & Co., Inc. lands a distance of about 292.41 feet to a point of the centerline of Hawthorne Road;

Thence, westerly along the centerline of Hawthorne Road a distance of about 125.00 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by M. B. Leslye a distance of about 636.98 feet to a point;

Thence, easterly along the north line of lands now or formerly owned by C. J. Zak a distance of about 500.00 feet to a point;

Thence, southerly along the east line of said C. J. Zak lands a distance of about 150.00 feet to a point;

Thence, easterly along the south line of Hawthorne Estates a distance of about 1435.00 feet to a point on the west right-of-way line of Interstate 77;

Thence, southerly along the west right-of-way line of Interstate 77 a distance of about 790.00 feet to a point;

Thence, westerly along the south line of lands now or formerly owned by N. G. and R. N. Motz a distance of about 1192.0 feet to a point;

Thence, northerly along the west line of said N. G. and R. N. Motz lands a distance of about 143.40 feet to a point;

Thence, westerly along the south line of lands now or formerly owned by G. Kauf a distance of about 617.92 feet to a point;

Thence, southerly along the east line of said G. Kauf lands a distance of about 196.25 feet to a point;

Thence, southwesterly along the south line of said G. Kauf and E. A. & I. L. Ziss lands a distance of about 407 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by S. E. Bellowe a distance of about 189.13 feet to a point on the center line of W. Streetsboro Road;

Thence, easterly along the center line of W. Streetsboro Road a distance of about 33 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by S. E. Bellowe a distance of about 254.4 feet to a point;

Thence, easterly along the north line of lands now or formerly owned by E. C. Strodtbeck a distance of about 125 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by E. C. Strodtbeck a distance of about 206.5 feet to a point;

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Thence, easterly along the north line of lands now or formerly owned by M. M. Metz a distance of about 74.00 feet to a point on the east corporation line of the Village of Richfield;

Thence, southerly along the east corporation line of Richfield Village a distance of about 6595.00 feet to a point on the centerline of Wheatley Road;

Thence, easterly along the centerline of Wheatley Road a distance of about 230.00 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by E. H. Greisinger a distance of about 697.94 feet to a point;

Thence, westerly along the south line of said E. H. Greisinger lands a distance of about 78.02 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by J. D. and R. V. Shimek a distance of about 500.00 feet to a point;

Thence, easterly along the north line of lands now or formerly owned by the Bernard Pipe Line Co. a distance of about 2450.00 feet to a point on the west right-of-way line of Interstate 77;

Thence, southerly along the west right-of-way line of Interstate 77 a distance of about 1600 feet to a point on the north line of Richfield Estates;

Thence, westerly along the north line of said Richfield Estates a distance of about 2375.00 feet to a point on the east line of Block "A" of said Richfield Estates;

Thence, southerly along the east line of said Block "A" Richfield Estates a distance of about 925.32 feet to a point on the south line of said Richfield Estates;

Thence, easterly along the south line of said Richfield Estates a distance of about 2350.00 feet to a point on the west right-of-way line of Interstate 77;

Thence, southerly along the west right-of-way line of Interstate 77 a distance of about 1389.00 feet to a point on the north line of Richfield Heights;

Thence, westerly along the north line of said Richfield Heights a distance of about 2500.00 feet to a point on the west line of said Richfield Heights;

Thence, southerly along the west line of said Richfield Heights Lots 109, 27, 24, 23, 22, 21 and 20 a distance of about 1250.00 feet to a point;

Thence, easterly along the south line of said Richfield Heights Lot 20 a distance of about 134.8 feet to a point;

Thence, southerly along the east line of lands now or formerly owned by

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A. and M. Goumas a distance of about 373.00 feet to a point on the centerline of Everett Road and the south corporation line of Richfield Village;

Thence westerly along the centerline of Everett Road and the south corporation line of Richfield Village a distance of about 798.8 feet to a point on the centerline of Brecksville Road and the place of beginning.

3-10-86
JJK:dk
SRD #1920

Revised 3-13-86 LW