

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016-177

BY: Mayor Perciak and All Members of Council

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF BOWMAN DRIVE, FETZER DRIVE AND DRAKE ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS, CATCH BASINS AND MANHOLES, INSTALLING SANITARY SEWER SERVICE CONNECTIONS, REPLACING, WHERE NECESSARY, PAVEMENT, DRIVEWAY APRONS, STORM SEWERS AND CULVERTS, AND CONSTRUCTING A WATER LINE IN FETZER DRIVE, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, on May 16, 2016 this Council has adopted Resolution No. 2016-102 declaring the necessity of making the improvement described in Section 1 (the Resolution); and

WHEREAS, this Council has adopted a resolution on this date approving the Report of the Assessment Equalization Board appointed by Resolution No. 2016-134;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO, that:

Section 1. It is determined to proceed with the improvement of the entire lengths of Bowman and Fetzer Drives and Drake Road from Ash Drive to 360 feet west of Pearl Road by constructing sanitary sewers, catch basins and manholes, installing sanitary sewer service connections, replacing, where necessary, pavement, driveway aprons, storm sewers and culverts, and constructing a water line in Fetzer Drive, all together with the necessary appurtenances thereto, all as provided in the Resolution.

Section 2. The improvement shall be made in accordance with the provisions of the Resolution and with the plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.

Section 3. Any claims for damages resulting from the improvement that have been legally filed shall be inquired into before commencing the construction of the improvement, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

Section 4. The portion of the cost of the improvement to be assessed in accordance with the Resolution shall be assessed in the manner and the number of installments provided, and on the lots and lands described, in the Resolution.

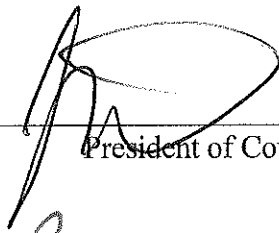
Section 5. The estimated special assessments previously prepared and filed in the office of the Clerk of Council and as approved by the Assessment Equalization Board are adopted.

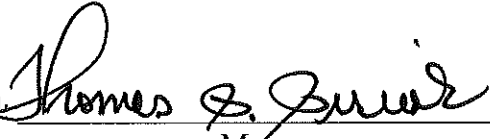
Section 6. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

Section 7. Subject to the provisions of Section 727.24 of the Revised Code, the Mayor or other appropriate officer of this City is authorized and directed, as soon as the funds are available and the Director of Law has advised that the legal requirements in connection with the undertaking of the improvement are in order, to make and execute a contract for the improvement with the lowest and best bidder after advertising according to law, and the improvement shall be financed as provided in the Resolution.

Section 8. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 9. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this ordinance is required to be immediately effective to provide for the construction of the improvement, which is needed to eliminate hazards to the safety and health of the residents of the City by providing a system of centralized sewage collection, disposal and treatment; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least five members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

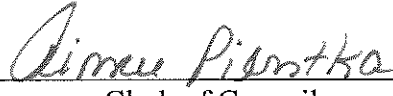
  
 \_\_\_\_\_  
 President of Council

Approved:   
 \_\_\_\_\_  
 Mayor

Passed: September 19, 2016

Date Approved: September 20, 2016

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Daymut	<input checked="" type="checkbox"/>	_____
DeMio	<input checked="" type="checkbox"/>	_____
Dooner	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____
Schonhut	<input checked="" type="checkbox"/>	_____
Southworth	<input checked="" type="checkbox"/>	_____

Attest:   
 \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-177 Amended: \_\_\_\_\_  
 1st Rdg. 09-19-16 Ref: \_\_\_\_\_  
 2nd Rdg. Suspended Ref: \_\_\_\_\_  
 3rd Rdg. Suspended Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: 09-19-16 Defeated: \_\_\_\_\_

## GENERAL CERTIFICATE OF CLERK OF COUNCIL

I certify that I am the duly appointed, qualified and acting Clerk of Council of the City of Strongsville, Ohio, and that:

1. The following are the incumbents of the offices indicated before their respective names since May 1, 2016:

Mayor	Thomas P. Perciak	
Clerk of Council	Aimee Pientka	
Director of Finance	Joseph K. Dubovec, CPA	
Director of Law	Neal M. Jamison	
President of Council	Duke Southworth	
Council Members:	Jim Carbone	Gordon Short
	Michael J. Daymut	Matt Schonut
	Joseph C. DeMio	Duke Southworth
	Kenneth M. Dooner	

2. During calendar year 2016, regular meetings of the Council of the City of Strongsville were and are held at 8:00 p.m. on the first and third Mondays of each month, except that the rules of Council provide that when a regular meeting date falls on a holiday, then the regular meeting is held on the next succeeding business day, in Council Chambers, 18688 Royalton Road, Strongsville, Ohio.

3. The Strongsville Post is a newspaper of general circulation in the City, as defined in that Section. In accordance with its Charter, the City provides for posting legislation in not less than five public places as determined by Council, for a period of not less than fifteen days.

4. The electors of the City have adopted a Charter, pursuant to Article XVIII of the Ohio Constitution, to provide for the government of the City. No amendments to the Charter have been approved by the electors since November 5, 2013.

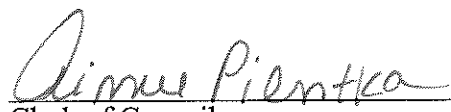
5. There were on file in my office prior to the adoption by Council of Resolution No. 2016-102 on May 16, 2016 (the Resolution), the plans, specifications, profiles and estimate of cost relative to the improvement designated in the Resolution (the Improvement).

6. There were on file in my office, prior to commencement of service of notice of the Resolution and that filing, the estimated special assessments prepared pursuant to the Resolution. Thereafter there was filed in my office prior to the Council meeting on September 19, 2016, the report of the Assessment Equalization Board with respect thereto. That list and that report have been and will remain continuously on file in that office for inspection of all interested persons.

7. Within the period provided by law, no claims for damages with respect to the Improvement have been filed.

8. The Resolution, Resolution No. 2016-134 adopted by Council on July 5, 2016 (appointing AEB), and Resolution No. 2016-176 (approving AEB Report) and Ordinance No. 2016-177 (Ordinance to Proceed), both passed by Council on September 19, 2016, have each been duly posted and each remained so posted for a period of at least fifteen days.

Dated: September 19, 2016

  
Clerk of Council  
City of Strongsville, Ohio