

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017-056

BY: Mayor Perciak and All Members of Council

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

WHEREAS, on February 21, 2017 this Council has adopted Resolution No. 2017-023 declaring the necessity of making the improvement described in Section 1 (the Resolution); and

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 Priem Road from Beech Creek Trail south approximately 1000 feet by constructing sanitary sewers, catch basins and manholes, installing sanitary sewer service connections, and replacing, where necessary, pavement, driveway aprons, storm sewers and culverts, 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 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.

Kenneth M. Dooner  
 \_\_\_\_\_  
 President of Council

Approved: Thomas B. Burier  
 \_\_\_\_\_  
 Mayor

Passed: April 17, 2017

Date Approved: April 18, 2017

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Short	<u>Absent</u>	_____
Schonhut	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: Aimee Pientka  
 \_\_\_\_\_  
 Clerk of Council

ORD. No. 2017-056 Amended: \_\_\_\_\_  
 1st Rdg. 04-17-17 Ref: \_\_\_\_\_  
 2nd Rdg. Suspended Ref: \_\_\_\_\_  
 3rd Rdg. Suspended Ref: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: 04-17-17 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 February 1, 2017:

Mayor  
Clerk of Council  
Director of Finance  
Director of Law  
President of Council

Thomas P. Perciak  
Aimee Pientka  
Joseph K. Dubovec, CPA  
Neal M. Jamison  
Kenneth M. Dooner

Council Members:

Jim Carbone  
Michael J. Daymut  
Joseph C. DeMio  
Kenneth M. Dooner  
Gordon Short  
Matt Schonhut  
Duke Southworth

2. During calendar year 2017, 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 on February 21, 2017 of Resolution No. 2017-023 (the Resolution of Necessity), the plans, specifications, profiles and estimate of cost relative to the improvement designated in the Resolution of Necessity (the Improvement).

6. There were on file in my office, prior to commencement of service of notice of the Resolution of Necessity and that filing, the estimated special assessments prepared pursuant to the Resolution of Necessity. That list has 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 of Necessity and Ordinance No. 2017-056 (Ordinance to Proceed), passed by Council on April 17, 2017, have each been duly posted and each remained so posted for a period of at least fifteen days.

Dated: April 18, 2017

  
Clerk of Council  
City of Strongsville, Ohio