

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2009-045

BY: Mayor Perciak and All Members of Council

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF WEBSTER ROAD AND CERTAIN OTHER STREETS AND EASEMENTS BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS AND MANHOLES, INSTALLING SANITARY SEWER SERVICE CONNECTIONS, AND REPLACING, WHERE NECESSARY, PAVEMENT, DRIVEWAYS AND CULVERTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 2008-200 declaring the necessity of making the improvement described in Section 1 (the Resolution); and

WHEREAS, Council has adopted Resolution No. 2009-044 approving the report of the Assessment Equalization Board appointed by Resolution No. 2009-001;

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 Webster Road from Blazey Trail (also known as Blazey Road) thence southerly approximately 2,424 feet to a point, the entire lengths of Blazey Trail (also known as Blazey Road), Ruth Drive and Janette Avenue, and easements of the City from the southerly terminus of Janette Avenue thence westerly approximately 1,073 feet to an existing gravity sewer by constructing sanitary sewers and manholes, installing sanitary sewer service connections, and replacing, where necessary, pavement, driveways 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, less any reductions thereto in accordance with the report of the Assessment Equalization Board, shall be assessed in the manner and the number of installments provided, and on the lots and lands described, in the Resolution, provided, however, that, as recommended in such report, the collection of the twenty annual installments of the special assessment to be levied on Permanent Parcel No. 398-26-004 shall be deferred in accordance with the recommendation in such report, which recommendation this Council has approved after finding, determining and confirming it to be fair, just and equitable under the circumstances.

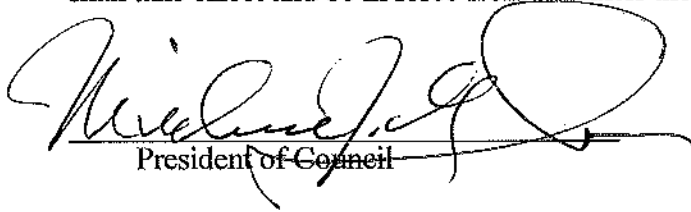
Section 5. The estimated special assessments previously prepared and filed in the office of the Clerk of Council and as adjusted and equalized by the Assessment Equalization Board are adopted.


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.

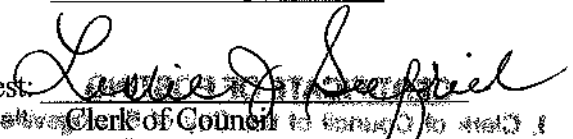
Section 9. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this ordinance is required to be immediately effective to provide for the construction of the improvement, 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: March 16, 2009

Date approved: March 17, 2009

Attest: 
Clerk of Council

(Mirrored text from reverse side of page)

ORD. No. 2009-045 Removed: _____
1st Rdg. 3-16-09 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Red: _____
Pub Hrg. _____ Ref: _____
Adopted: 3-16-09 Defeated: _____

(Webster Road)

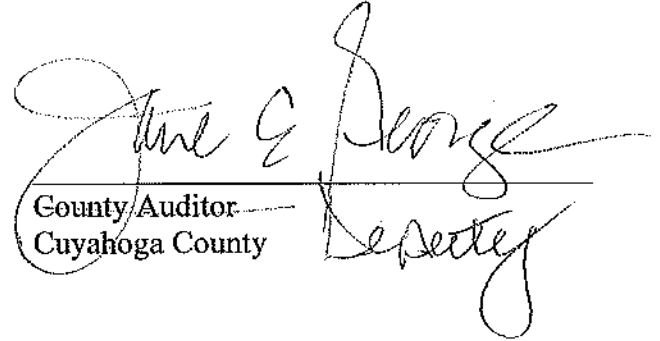
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SECTION 319.61 CERTIFICATE

BY: _____

I certify that on the date set forth below there was delivered to me as Auditor of Cuyahoga County a certified copy of Ordinance No. 2009-045, passed on March 16, 2009, by the Council of the City of Strongsville, Ohio.

Dated: 3/20, 2009



County Auditor
Cuyahoga County