

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 102

BY: Mayor Perciak and All Members of Council

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE 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, the City Engineer has filed with the Clerk of Council the plans, profiles, specifications and an estimate of cost to be prepared (collectively, the "Plans") for the improvement described herein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

Section 1. It is declared necessary to improve 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, and all as further described and shown in the Plans.

Section 2. The Plans now on file in the office of the Clerk of Council are approved. The improvement shall be made in accordance with, and the grade of the improvement and of any road shall be the grade as shown on, the Plans. This Council finds and determines that the streets to be improved are so situated in relation to each other that, in order to complete the Improvement thereof in the most practical and economical manner, they should be improved at the same time, with the same kind of materials and in the same manner and, therefore, they shall be treated as a single improvement and included in the same legislation.

Section 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots to be assessed as described in Section 4 hereof are specially benefitted by the improvement and a single sanitary sewer sanitary service connection will be available for each of those lots as part of the improvement as shown in the Plans. This Council further determines that any lot in the future connecting directly or indirectly to the improvement and which either (i) because of a split, a subdivision, or construction of additional improvements thereon, an additional connection or connections is required, or (ii) has not been assessed for the improvement, shall pay an additional connection charge for such connection in such amount as determined by separate legislation to be enacted by this Council prior to the levying of the final assessments for the improvement.

Section 4. The City shall assume and pay as its portion of the costs of the improvement the costs of intersections, plus the costs attributable to the waterline in Fetzer Drive and to the pavement replacement on Bowman and Fetzer Drives not otherwise required as part of the sanitary sewer project, plus 27% of the costs of the improvement (the City Portion). All of the cost of the sanitary sewer service connections and 89.2157% of the remaining costs of the improvement (together being the Assessment Portion) shall be assessed in proportion to the benefits that may result from the improvement upon any lot within the City (i) bounding and abutting upon the improvement between the termini described in Section 1 hereof that are not already served by a public sanitary sewer line and (ii) with respect to which a sanitary sewer service connection will be available for such lot as part of the improvement as shown in the Plans. The City shall also assume and pay the costs of the improvement less the City Portion and the Assessment Portion (such costs being the Connection Charge Portion), it being the intent of this Council that the Connection Charge Portion, including interest thereon, be recouped in the form of additional connection charges as contemplated in Section 3 hereof. If any grants are received by the City for this improvement, the amount thereof shall reduce the Assessment Portion and the Connection Charge Portion on a pro rata basis.

Section 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the improvement, expenses of legal services including obtaining legal opinions, cost of labor and material, interest under any agreement with the Ohio Water Development Authority as contemplated by Section 727.28 of the Ohio Revised Code (OWDA Agreement), interest on any securities issued in anticipation of the levy and collection of the special assessments, or, if an OWDA Agreement is not entered into by the City and securities in anticipation of the levy of the special assessments are not issued, interest at the rate of 4% per year on moneys advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

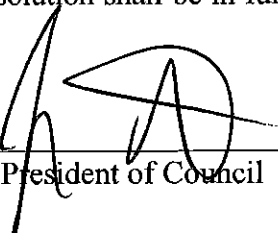
Section 6. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this Resolution. Those estimated special assessments shall be based upon the estimate of cost for the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Resolution.

Section 7. The special assessments to be levied shall be paid according to the following payment schedule: in twenty annual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne under the OWDA Agreement or by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if an OWDA Agreement is not entered into by the City and such securities are not issued, at the rate or rates of interest determined by this Council when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

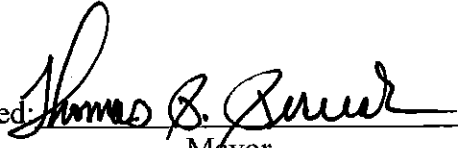
Section 8. The City presently intends to finance a portion of the cost of this improvement by entering into an OWDA Agreement and therefore the City does not presently intend to issue securities in anticipation of the levy of the special assessments or to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of the entire cost of the improvement, after application of the special assessments, shall be paid by the issuance of securities in the manner provided by law or from other funds available for that purpose.

Section 9. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 10. This Resolution 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 Resolution 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 Resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor.



President of Council

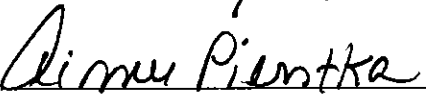
Approved: 

Mayor

Date Passed: May 16, 2016

Date Approved: May 17, 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"/>	_____
Schonhut	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____
Southworth	<input checked="" type="checkbox"/>	_____

Attest: 

Clerk of Council

RES
ORD. No. 2016-102 Amended: _____
1st Rdg. 05-16-16 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 05-16-16 Defeated: _____