

**RESOLUTION NO. 56-2016**

**INTRODUCED BY: Mayor Ann Marie Donegan**

**A RESOLUTION DECLARING IT NECESSARY TO IMPROVE COLUMBIA ROAD, COOK ROAD, CRANAGE ROAD, ELM STREET, MAIN STREET, MAPLEWAY DRIVE, NOBOTTOM ROAD, RIVER ROAD AND WATER STREET BETWEEN CERTAIN TERMINI, AND THE ENTIRE LENGTH OF CLARK STREET, INLAND DRIVE AND MYRTLE AVENUE, BY CONSTRUCTING SANITARY SEWERS AND CONNECTIONS WHERE THEY DO NOT NOW EXIST, REPLACING EXISTING WATER MAINS AND CONNECTIONS, CONSTRUCTING TWO NEW PUMP STATIONS, ABANDONMENT OF THE EXISTING MAIN STREET WASTEWATER TREATMENT PLANT, AND RELATED RESURFACING AND PAVING, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND REAL ESTATE OR INTERESTS THEREIN REQUIRED THEREFOR, AND DECLARING AN EMERGENCY.**

**WHEREAS**, this Council has previously authorized and requested Chagrin Valley Engineering, Ltd., engineering consultants to the City, to prepare plans, specifications, profiles and cost estimates for the improvement described in Section 1;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THREE-FOURTHS OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:**

**SECTION 1.** Declaration of Necessity. It is declared necessary to improve in the City (i) Columbia Road from its intersection with Water Street northerly to its intersection with Nobottom Road, (ii) Cook Road from its intersection with Columbia Road westerly to the City's corporate limit, (iii) Cranage Road from its intersection with Mapleway Drive westerly to the City's corporate limit, (iv) Elm Street from its intersection with Brookside Drive easterly to its intersection with Columbia Road, (v) Main Street from its intersection with Water Street southerly to the southerly line of lots and lands identified in the records of the Cuyahoga County Fiscal Officer as Permanent Parcel No. 281-06-015, (vi) Mapleway Drive from a point approximately 151 feet north of its intersection with Elm Street north to its intersection with Cook Road, (vii) Nobottom Road from its intersection with Columbia Road easterly to the eastern line of the lots and lands identified in the records of the Cuyahoga County Fiscal Officer as Permanent Parcel No. 262-19-007, (viii) River Road from its intersection with Water Street northeasterly to its intersection with Nobottom Road, (ix) Water Street from a point approximately 620 feet westerly of Brookside Drive easterly approximately to its intersection with River Road and (x) the entire length of Clark Street, Inland Drive and Myrtle Avenue by constructing sanitary sewers and connections where they do not now exist, replacing existing water mains and connections, constructing two new pump stations, abandonment of the existing Main Street Wastewater Treatment Plant, and related resurfacing and

paving, together with all necessary appurtenances thereto and real estate or interests therein required therefor (the Improvement).

**SECTION 2.** Approval of Plans, Specifications and Estimate of Cost. The plans, specifications, profiles and estimate of cost of the Improvement, prepared by Chagrin Valley Engineering, Ltd., engineering consultants to the City, and 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 street shall be the grade as shown on, the plans, specifications and profiles for the Improvement.

**SECTION 3.** Further Declarations. 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, (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the Improvement and (iii) the Improvement constitutes a coordinated and continuous sanitary sewage collection system improvement and the properties 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 and contract.

**SECTION 4.** Special Assessment of Costs of the Improvement. The whole cost of the Improvement, less (i) at least two percent (2%) of that whole cost together with the cost of intersections and (ii) any State (including Ohio Public Works Commission) grant monies, shall be assessed in proportion to the benefits that may result from the Improvement upon all lots and lands bounding and abutting on the Improvement between the termini as described in Section 1 for which a sanitary sewer connection is to be installed. The balance of the cost of the Improvement shall be paid by the City, including but not limited to from monies to be received by the City from the County of Cuyahoga pursuant to an agreement or agreements between the City and the County pertaining to certain properties located in Olmsted Township that are to be permitted to connect into the City's sanitary sewerage system upon payment of a fee to the County.

**SECTION 5.** Costs of the Improvement. 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 approving legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

**SECTION 6.** Estimated Special Assessments. Chagrin Valley Engineering, Ltd., 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 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 7.** Levy of Special Assessments. The special assessments to be levied shall be paid according to the following payment schedule: over a period of 20 years in 40 semiannual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne by the securities to be issued in anticipation of the collection of the total of the unpaid special assessments or, if such securities are not issued, at the rate or rates of interest determined by this Council when it passes the assessing ordinance levying those special assessments; provided that the owner of any property assessed may pay the special assessment within 30 days after passage of the assessing ordinance.

**SECTION 8.** Issuance of Securities. The City presently intends to issue securities in anticipation of the levy of the special assessments. The City presently intends 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 bonds in the manner provided by law or from other funds available for that purpose.

**SECTION 9.** Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken in open meetings of this Council or committees, 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, all in compliance with the law.

**SECTION 10.** Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

**SECTION 11.** Declaration of Emergency; Effective Date. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and to meet a situation affecting health, property and the public peace, 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 and potential hazards to the health and property of the owners of the properties to be assessed by providing sanitary sewage collection service; wherefore, this Resolution shall be in full force and effect immediately upon its passage by not less than six affirmative votes of Council and approval by the Mayor.

ADOPTED: \_\_\_\_\_  
*Jay Linn, President of Council*

APPROVED BY: \_\_\_\_\_  
*Ann Marie Donegan, Mayor* \_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Gregory M. Sponseller, Law Director*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

	Yea	Nay
Linn	_____	_____
Garrity	_____	_____
Haviland	_____	_____
Sculac	_____	_____
Stibich	_____	_____
Duncan	_____	_____
Miller	_____	_____

ADOPTED 10/24/16