

RESOLUTION NO. 57-2016

INTRODUCED BY: Mayor Ann Marie Donegan

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE MAPLEWAY DRIVE BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS AND A SANITARY SEWER CONNECTION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the owner of 100% of the lots and lands to be assessed for the improvement described in Section 1 (the Improvement) has petitioned this Council for the Improvement; and

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;

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 Mapleway Drive from its intersection with Elm Street northerly approximately 151 feet by constructing sanitary sewers and a sanitary sewer connection, together with all necessary appurtenances thereto (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 has been petitioned for by the owner of 100% of the lots and lands to be assessed for the Improvement.

SECTION 4. Special Assessment of Costs of the Improvement. The whole cost of the Improvement shall be assessed in proportion to the benefits that may result from the Improvement upon the lots and lands identified in the records of the Cuyahoga County Fiscal Officer as Permanent Parcel No. 281-14-001.

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 or, if securities in anticipation of the levy of the special assessments are not issued, interest at the rate of 1.20% per year on moneys advanced by the City for the cost of the Improvement in anticipation of the levy 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.

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 the property assessed may pay the special assessment within 30 days after passage of the assessing ordinance.

SECTION 8. Issuance of Securities. The City does not presently intend 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.

SECTION 9. Repeal of Prior Legislation. Resolution No. 95-2012, adopted by this Council on September 25, 2012, Resolution No. 02-2013, adopted by this Council on January 8, 2013, Resolution No. 06-2013, adopted by this Council on February 26, 2013, and Ordinance No. 07-2013, passed by this Council on February 26, 2013, each regarding a prior iteration of the Improvement, are each hereby repealed in their entirety.

SECTION 10. 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 11. 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 12. 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 owner of the property to be assessed by providing sanitary sewage collection service; wherefore, this Resolution shall be in full force and effect immediately upon its adoption by not less than six affirmative votes of Council and approval by the Mayor.

ADOPTED: OCTOBER 24, 2016 _____
Jay Linn, President of Council

APPROVED BY: _____
Ann Marie Donegan, Mayor 10.26.16
Date

APPROVED AS TO FORM: _____
Gregory M. Spenseller, Law Director

ATTEST: _____
Angela Mancini, Clerk of Council

POSTING CERTIFICATE OF OLMSTED FALLS
Angi Mancini, Clerk of Council of the City of Olmsted Falls, hereby certify that Res./Ord. 57-2016 was duly posted on the 20 day of OCT, 2016 and will remain so posted for a period of 15 days after its effective date as required by the Charter of the City of Olmsted Falls Clerk of Council

First Reading: OCTOBER 24, 2016

Second Reading: SUSPENDED

Third Reading: SUSPENDED

	Yea	Nay
Linn	✓	—
Garrity	✓	—
Haviland	✓	—
Sculac	✓	—
Stibich	✓	—
Duncan	✓	—
Miller	<u>EXCUSED</u>	—

I, ANGI MANCINI, CLERK OF COUNCIL OF OLMSTED FALLS, COUNTY OF CUYAHOGA, STATE OF OHIO, DO HEREBY CERTIFY THAT THE FOREGOING ORD. OR RESOL. NO. 57 WAS DULY AND REGULARLY ADOPTED BY THIS COUNCIL AT A MEETING HELD ON OCT 24 2016
Angela Mancini CLERK

PETITION

City of Olmsted Falls, Ohio
October 24, 2016

To the Council of the City of Olmsted Falls, Ohio:

We are owners of 100% of the lots and lands to be assessed for the Improvement (as defined below). We petition the Council for the improvement of Mapleway Drive from its intersection with Elm Street northerly approximately 151 feet by constructing sanitary sewers and a sanitary sewer connection, together with all necessary appurtenances thereto (the Improvement), and request that the total cost of the Improvement be assessed in proportion to the benefits resulting from the Improvement upon our lots and lands to be assessed therefor.

In connection with this Petition and in furtherance of the purposes hereof, we acknowledge that we have reviewed or caused to be reviewed on our behalf (i) the plans, specifications and profiles for the Improvement (a copy of which is on file with the Clerk of Council of the City) and (ii) the preliminary estimate of cost of the Improvement (a copy of which is attached hereto as **Exhibit A**), each of which have heretofore been prepared by Chagrin Valley Engineering, Ltd., engineering consultants to the City for the Improvement.

We further acknowledge and agree, in consideration of the construction of the Improvement, that no property in the City, other than the property owned by the signer of this Petition, will receive special benefits from the Improvement, and request that the amount that would have been assessed on any other property be assessed upon the property owned by the undersigned, and that the total costs of the Improvement be assessed on our lots and lands, namely the lots and lands identified in the records of the Cuyahoga County Fiscal Officer as Permanent Parcel No. 281-14-001.

In consideration of the Improvement, we, individually and collectively, and for our successors and assigns, agree to pay promptly all special assessments levied against our properties as they become due, and that the determination by Council of the special assessment against our lots and lands will be final, conclusive and binding upon us and our successors and assigns as owners of the benefitted property.

We, and for our successors and assigns, consent and request that these special assessments be levied and collected without limitation as to the value of the property assessed, and waive all the following relating to the Improvement and the special assessments:

- Any and all rights, benefits and privileges specified by Sections 727.03 and 727.06 of the Revised Code or by any other provision restricting these special assessments to 33⅓% of the actual improved value of the lots and lands as enhanced by the Improvement to be made.

- Any and all rights, benefits and privileges specified by Section 727.04 of the Revised Code or by any other provision limiting special assessments for reimprovement when a special assessment has been levied and paid previously.
- Any and all rights, benefits and privileges resulting from the Improvement or the making of the Improvement, including but not limited to all rights, benefits and privileges specified by Sections 727.18 through 727.22 and Section 727.43 of the Revised Code.
- Any and all resolutions, ordinances and notices required for the making of the Improvement, including the notice of the adoption of the resolution of necessity and the filing of estimated special assessments, the equalization of the estimated special assessments, any increase in the cost of labor and materials over the estimated cost, and the passage of the assessing ordinance, including but not limited to notices authorized and required by Sections 727.13, 727.16, 727.17, 727.24 and 727.26 of the Revised Code.
- Any and all irregularities and defects in the proceedings, except those irregularities and/or defects which create a disadvantage to the signer of this Petition.

We, and for our successors and assigns, further consent and request that all legislation required to be enacted to permit the Improvement to commence immediately to be enacted at one Council meeting.

We covenant and agree to disclose, upon the transfer of the property or any portion of the property to be specially assessed for the cost of the Improvement, in the deed to any transferee the existence of any outstanding special assessment for the Improvement and to require that each such further transferee disclose that information in any subsequent deed to any transferee so long as such special assessments remain unpaid. As a condition to each subsequent transfer while such special assessments remain unpaid, we further covenant and agree to provide expressly in the deed to any transferee (i) for the acquisition by such transferee of the property subject to any outstanding special assessment and such transferee's assumption of responsibilities for payment thereof and for the waiver by such transferee of any rights that the undersigned have waived pursuant to this Petition and (ii) the requirement that each transferee from time to time of the property covenant to include in the deed to any subsequent transferee the conditions described in clause (i) so long as such special assessments remain unpaid.

We agree that we will not contest, in a judicial or administrative proceeding, the special assessments levied against our property.

We further represent and agree that the signatory to this Petition has full right and authority to sign this Petition and no other signatures or approvals are required.

This Petition may be signed in several counterparts, each of which shall be deemed an original.

IN WITNESS THEREOF, Olmsted Industrial Park, LLC, has caused this Petition to be signed by Willis B. Boyer all as of the date indicated above.

OLMSTED INDUSTRIAL PARK, LLC, as sole owner of the lots and lands identified in the records of the Cuyahoga County Fiscal Officer as Permanent Parcel No. 281-14-001

By:  _____

Title: President

Exhibit "A"

Mapleway Drive Sanitary Sewer for PPN 281-14-001

Olmsted Falls, Ohio

September 19, 2016

Prepared By Chagrin Valley Engineering, Ltd.

Item	Description	Unit	Quantity	Unit Price	Total Price
Sanitary					
1	Site Work	LS	1	\$ 6,000.00	\$ 6,000.00
2	Sanitary Manhole	EA	0	\$ 5,000.00	\$ -
3	Sanitary Drop Manhole	EA	1	\$ 10,000.00	\$ 10,000.00
4	Sanitary Manhole With External Drop for Force Main	EA	0	\$ 11,500.00	\$ -
5	Sanitary Manhole with Inside Drop for Lateral	EA	0	\$ 7,000.00	\$ -
6	Reconstruct Existing Sanitary Manhole at Water and Brookside	LS	0	\$ 9,500.00	\$ -
7	8" PVC Sanitary Sewer (SDR-35)	LF	0	\$ 110.00	\$ -
8	8" Sanitary Sewer (SDR-26)	LF	0	\$ 150.00	\$ -
9	10" PVC Sanitary Sewer (SDR-35)	LF	5	\$ 190.00	\$ 950.00
10	10" PVC Sanitary Sewer (SDR-26)	LF	0	\$ 200.00	\$ -
11	12" PVC Sanitary Sewer (SDR-26)	LF	38	\$ 245.00	\$ 9,310.00
12	15" PVC Sanitary Sewer (SDR-35)	LF	0	\$ 260.00	\$ -
13	15" PVC Sanitary Sewer (SDR-26)	LF	0	\$ 275.00	\$ -
14	18" PVC Sanitary Sewer (SDR-26)	LF	151	\$ 332.00	\$ 50,132.00
15	Sanitary Sewer Lateral	EA	0	\$ 2,000.00	\$ -
16	Sanitary Test Tee in Unpaved Area	EA	0	\$ 300.00	\$ -
17	Sanitary Test Tee in Paved Area	EA	0	\$ 1,200.00	\$ -
18	15" Steel Casing Pipe (Bored)	LF	0	\$ 500.00	\$ -
19	4" Sanitary Force Main	LF	0	\$ 45.00	\$ -
20	6" Sanitary Force Main	LF	0	\$ 65.00	\$ -
21	Repair of Existing Water Service Connection	EA	0	\$ 400.00	\$ -
22	Law Enforcement Officer	HR	0	\$ 80.00	\$ -
23	Concrete Driveway Removed and Replaced	SF	0	\$ 7.00	\$ -
24	Asphalt Driveway Removed and Replaced	SF	0	\$ 7.00	\$ -
25	Gravel Driveway Removed and Replaced	SF	0	\$ 5.00	\$ -
26	Sidewalk Removed and Replaced	SF	0	\$ 6.00	\$ -
27	Utility Allowance	LS	0	\$ 30,000.00	\$ -
Sanitary Total					\$ 76,392.00
Water					
28	4" D.I. Watermain	LF	0	\$ 70.00	\$ -
29	8" D.I. Watermain	LF	0	\$ 80.00	\$ -
30	12" D.I. Watermain	LF	0	\$ 90.00	\$ -
31	4" Line Valve and Box	EA	0	\$ 1,000.00	\$ -
32	8" Line Valve and Box	EA	0	\$ 1,200.00	\$ -
33	12" Line Valve and Box	EA	0	\$ 1,800.00	\$ -
34	8"x8"x8" Cut-in-Tee and Valve	EA	0	\$ 2,500.00	\$ -
35	12"x8"x12" Cut-in-Tee and Valve	EA	0	\$ 3,500.00	\$ -
36	Watermain Fittings	EA	0	\$ 800.00	\$ -
37	1" Service Connection	EA	0	\$ 1,000.00	\$ -
38	Hydrant Assembly	EA	0	\$ 4,500.00	\$ -
39	Plug/Abandon Existing Watermain	LS	0	\$ 3,000.00	\$ -
40	CWD Fees	LS	0	\$ 12,000.00	\$ -
Water Total					\$ -
Pavement					
41	Pulverization of Existing Pavement	SY	0	\$ 16.00	\$ -
42	Asphalt Emulsion, Complete in Place	GAL	0	\$ 2.50	\$ -
43	Additional Aggregate for Pulverized Base	CY	0	\$ 45.00	\$ -
44	Excavation for Pavement Widening	SY	0	\$ 30.00	\$ -
45	Placement of Pulverized Material in Widened Area	SY	0	\$ 15.00	\$ -
46	Subgrade Repair	CY	0	\$ 40.00	\$ -
47	Pavement Planing, Complete in Place	SY	0	\$ 3.00	\$ -
48	1-1/4" Asphalt Concrete Surface Course	SY	100	\$ 5.70	\$ 570.00
49	1-3/4" Asphalt Concrete Intermediate Course	SY	100	\$ 6.85	\$ 685.00
50	6" 301 Asphalt Concrete Base	SY	100	\$ 5.50	\$ 550.00
51	Concrete Driveway Removed and Replaced	SY	0	\$ 60.00	\$ -
52	Asphalt Driveway Removed and Replaced	SY	0	\$ 55.00	\$ -

53	Gravel Driveway Removed and Replaced	SY	0	\$	25.00	\$	-
54	Drive Culvert Removed and Replaced	LF	0	\$	35.00	\$	-
55	Catch Basin Removed and Replaced	EA	0	\$	2,500.00	\$	-
56	Sidewalk Removed and Replaced	SF	0	\$	6.00	\$	-
57	Curb Ramp	EA	0	\$	1,500.00	\$	-
58	Pavement Markings	LS	0	\$	2,500.00	\$	-
		Pavement Total					\$ 1,805.00
Storm							
59	12" Storm Sewer, PVC	LF	0	\$	35.00	\$	-
60	15" Storm Sewer, PVC	LF	0	\$	45.00	\$	-
61	18" Storm Sewer, PVC	LF	0	\$	55.00	\$	-
62	24" Storm Sewer, PVC	LF	0	\$	60.00	\$	-
63	36" Storm Sewer, HDPE	LF	0	\$	70.00	\$	-
64	Catch Basin Removed	EA	0	\$	800.00	\$	-
65	Storm Manhole Removed	EA	0	\$	1,200.00	\$	-
66	Yard Drain	EA	0	\$	800.00	\$	-
67	Storm Manhole	EA	0	\$	2,500.00	\$	-
68	2-2B Catch Basin	EA	0	\$	1,500.00	\$	-
69	2-3 Catch Basin	EA	0	\$	2,000.00	\$	-
70	3A Catch Basin	EA	0	\$	2,000.00	\$	-
71	Reconnect Storm Lateral	EA	0	\$	400.00	\$	-
72	Storm Lateral	EA	0	\$	800.00	\$	-
		Storm Total					\$ -

Total Probable Construction Cost	\$	78,197.00
Engineering (11.5%)	\$	8,992.66
Inspection (5%)	\$	3,909.85
Contingency/Legal/Bond Counsel (15%)	\$	11,729.55
Total	\$	102,829.06