

ORDINANCE NO. 41-2017

INTRODUCED BY: Mayor Ann Marie Donegan

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF 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, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 56-2016 on October 24, 2016, declaring the necessity of making the improvement described in Section 1; and

WHEREAS, this Council has adopted Resolution No. 40-2017 on August 29, 2017, approving the report of the Assessment Equalization Board, appointed by Resolution No. 28-2017, adopted on May 23, 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1. Determination to Proceed with Improvement. It is determined to proceed with the improvement in the City of (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.

SECTION 2. Improvement to Be Constructed in Accordance with Plans, Specifications and Estimate of Cost. The improvement shall be made in accordance with the provisions of Resolution No. 56-2016 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. Claims for Damages. All claims for damages resulting from the improvement that have been legally filed shall be inquired into after completion 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. Portion of Cost of Improvement to be Assessed. The portion of the cost of the improvement to be assessed in accordance with Resolution No. 56-2016, less the amount to be assumed and paid by the City as part of the City's portion of the cost of the improvement in accordance with the report of the Assessment Equalization Board, shall be assessed in the manner and pursuant to the payment schedule set forth, and on the lots and lands described, in that Resolution.

SECTION 5. Approval of Estimated Special Assessments. The estimated special assessments previously prepared and filed in the office of the Clerk of Council and as equalized by the Assessment Equalization Board are adopted.

SECTION 6. Certification and Delivery of Ordinance to County Fiscal Officer. The Clerk of Council shall deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer within 15 days after its passage.

SECTION 7. Contracts for the Improvement. The Mayor and/or the Director of Finance are authorized and directed, as soon as the funds are available, to make and sign a contract or contracts for the improvement with the lowest and best bidder after advertising according to law, and the improvement shall be financed as provided in Resolution No. 56-2016; provided, however, that the amount to be assumed by the City as part of the City's portion of the cost of the improvement in accordance with the report of the Assessment Equalization Board shall be paid, as shall be the balance of the City's portion of the cost of the improvement, by the issuance of bonds in the manner provided by law or from other funds available for the purpose. Any actions previously taken by City officials in furtherance of the matters set forth in this Section are hereby approved, ratified and confirmed.

SECTION 8. 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 passage of this Ordinance 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 9. Captions and Headings. The captions and headings in this Ordinance 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 Ordinance unless otherwise indicated.

SECTION 10. Declaration of Emergency; Effective Date. This Ordinance 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 Ordinance 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 Ordinance shall be in full force and effect immediately upon its passage by not less than five affirmative votes and approval by the Mayor.

PASSED: _____ Linda Garrity, 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: _____

ADOPTED 08/29/2017

	Yea	Nay
Garrity	___	___
Haviland	___	___
Sculac	___	___
Gorski	___	___
Stibich	___	___
Duncan	___	___
Miller	___	___