

AN ORDINANCE LEVYING AN ADDITIONAL SPECIAL ASSESSMENT FOR THE IMPROVEMENT OF YORK-DELTA DRIVE IN THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY

WHEREAS: Pursuant to Ordinance No. 03-74 passed by the Council of this City on June 17, 2003, special assessments for the cost of the Improvements (as defined in Section 1 hereof) were levied against the lots and lands identified in the land records of Cuyahoga County as Permanent Parcel Nos.: 483-03-002, 483-05-001, 483-06-002, 483-06-003, 483-06-004, 483-06-005, 483-06-009, 483-06-010, 483-06-011 and 483-06-013 (collectively, the Assessed Properties), such special assessments referred to herein as the "Initial Assessments";

WHEREAS: The Initial Assessments have proven to be insufficient to pay the cost of the Improvements by the amount of \$188,088;

WHEREAS: Pursuant to Section 727.38 of the Revised Code, the City is authorized to levy and additional assessment against the Assessed Properties in the event the Initial Assessments prove to be insufficient to pay the cost of the Improvements.

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

Section 1. This Council hereby determines that the Initial Assessments which were levied against the Assessed Properties, and any subsequent subdivision thereof which may have occurred or may hereafter occur, pursuant to the Assessing Ordinance for the cost and expense of improving in the City York-Delta Drive by constructing approximately 2,147 lineal feet of 30 foot wide concrete roadway, together with waterlines, storm sewers, sanitary sewers and appurtenances, beginning at the northern terminus of the existing York-Delta Drive pavement and ending in a northerly direction parallel to the east line of a certain lot of land identified by Permanent Parcel Number ("PPN") in the Cuyahoga County Auditor's Office as PPN 483-05-001 approximately 897 feet to the center point of two cul-de-sac branches, one cul-de-sac extending to the northeast through land identified as PPN 483-06-003 approximately 500 feet to the center point of the cul-de-sac with a 70 foot radius, and with the second cul-de-sac extending in a westerly direction parallel to the south line of land identified as PPN 483-06-002 a distance of 700 feet to an offset cul-de-sac with a radius of 70 feet (collectively, the Improvements) have proven to be insufficient to pay the cost of the Improvements, and that it is therefore necessary to levy and there is hereby levied against the Assessed Properties, an additional assessment in the amount of \$188,088 to supply the deficiency (the Additional Assessments). The Additional Assessments are hereby levied against the Assessed Properties, and any subdivision thereof, in the same proportion as the Initial Assessments were levied in the respective amounts set forth in the schedule of special assessments on file, which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. This Council finds and determines that the Additional Assessments upon the Assessed Properties are in the same proportion as the Initial Assessments which were levied.

Section 3. The Additional Assessment against each lot or parcel of land shall be payable in cash within 30 days after the passage of this Ordinance, or at the option of the owner, in sixteen (16) annual installments with interest at the same rate as borne by the bonds to be issued in anticipation of the collection of the Additional Assessments. All cash payments shall be made to the Director of Finance of the City. All Additional Assessments remaining unpaid at the expiration of those 30 days shall be certified by the Director of Legislative Services, in her capacity as Clerk of Council, to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 4. The Director of Legislative Services, in her capacity as Clerk of Council, shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in her office the Additional Assessments.

Section 5. The Director of Legislative Services, in her capacity as Clerk of Council, shall deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

Section 6. This Council finds and determines that all formal actions of this Council 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 of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

