THE CITY COUNCIL OF
NORTH ROYALTON, OHIO

RESOLUTION NO. 09-63
INTRODUCED BY: Petrusky, Willey, Kasaris

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE YORK ROAD IN THE CITY OF NORTH ROYALTON BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS: The plans, specifications and estimate of cost for the improvement described herein have been prepared and placed on file in the office of the Director of Legislative Services of the City.

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

Section 1. It is hereby declared necessary to improve York Road in the City, by constructing, installing and extending an existing 8-inch sanitary sewer line a distance of approximately 708 linear feet beginning at an existing sanitary manhole located on the East side of York Road in front of Permanent Parcel No. 482-15-024 (10725 York Road) northerly to a proposed sanitary manhole located on the East side of York Road located just before the driveway apron located on Permanent Parcel No. 482-15-006 (10505 York Road), including manholes, lateral service connections, aprons, culverts, related site improvements and all other necessary appurtenances thereto (the "Improvement").

Section 2. The plans, specifications and profiles of the Improvement and the estimate of cost of the Improvement, now on file in the office of the Director of Legislative Services of the City, are approved. The Improvement shall be made in accordance with, and the grades of the Improvement shall be the grades as shown on, the plans, specifications and profiles for the Improvement.

Section 3. This Council finds and determines that the Improvement is conducive to the public health, convenience and welfare of this City and its inhabitants, and the lots and lands to be assessed as described in Section 4 are specially benefited by the Improvement.

Section 4. The costs of the Improvement shall be divided as follows: (i) the cost of the Improvement (except the City’s Portion defined below) shall be assessed by the foot front of the property bounding and abutting upon the Improvement (the “Property Owners’ Portion”) upon the lands identified in Exhibit A attached hereto and incorporated herein (the "Assessed Parcels"); and (ii) the City shall pay the portion of the costs of the Improvement equal to the sum of 2% of the total cost of the Improvement, plus the cost of any intersections (the “City’s Portion”).

Section 5. The City Engineer is authorized and directed to prepare and file in the office of the Director of Legislative Services the estimated special assessments for the Property Owners’ Portion of the Improvement described in this Resolution. Those estimated special assessments shall be based upon the estimate of cost of the Improvement on file in the office of the Director of Legislative Services and shall be prepared pursuant to the provisions of this Resolution. Upon filing of the estimated special assessments, the Director of Legislative Services in her capacity as 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 6. The special assessments to be levied may be paid in cash in the manner and at the times permitted by the City, or in twenty annual installments with interest at the rate of interest on the notes or bonds issued in anticipation of the collection of special assessments, or, if such notes or bonds are not issued, at the rate or rates of interest determined by this Council when it passes the assessing ordinance levying the special assessments. The assessments will be certified to the County Auditor and collected in accordance with the Ohio Revised Code.

Section 7. Bonds of the City may be issued in anticipation of the collection of assessments to be collected in installments, in an amount equal to those assessments, and notes may be issued in anticipation of those bonds. The proceeds of the sale of such bonds and/or notes and the assessments collected shall be applied to the costs of the Improvement.

Section 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.
Section 9. 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 for the further reason that this Resolution must be immediately effective to provide for the construction of the Improvement which is urgently necessary to provide proper sanitary sewerage disposal service and thereby prevent pollution.

THEREFORE, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: July 21, 2009

DATE APPROVED: July 22, 2009

First reading June 16, 2009
Second reading July 7, 2009
Third reading July 21, 2009

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

YEAS: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris

NAYS: none
Assessed Parcels include the following lots and lands as identified in the land records of Cuyahoga County as Permanent Parcel Numbers (“P.P.N.”):

1. 10634 York Road, Michael & Angela Szucs (P.P.N. 481-24-024, West side of York Road)
2. 10628 York Road, Sabino & Patricia Ragone (P.P.N. 481-24-023, West side of York Road)
3. 10622 York Road, Marina Parianos & Francis Casey (P.P.N. 481-24-022, West side of York Road)
4. 10594 York Road, Karl & Emma Ratschki (P.P.N. 481-24-006, West side of York Road)
5. 10498 York Road, James Blaha (P.P.N. 481-24-005, West side of York Road)
6. 10773 York Road, Richard Lobello (P.P.N. 482-15-022, East side of York Road)
7. 10763 York Road, John & Jennifer Sindyla (P.P.N. 482-15-008, East side of York Road)
8. 10615 York Road, Gloria Russell (P.P.N. 482-15-028, East side of York Road)
9. 10603 York Road, William & Betty Miker (P.P.N. 482-15-029, East side of York Road)
10. 10581 York Road, Thomas Dick (P.P.N. 482-15-007, East side of York Road)
11. 10505 York Road, Donna Petrow (P.P.N. 482-15-006, East side of York Road)