

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

RESOLUTION NO. 12-133

INTRODUCED BY: Antoskiewicz, Kasaris, Marnecheck, Muller

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE EDGERTON ROAD IN THE CITY OF NORTH ROYALTON BETWEEN CERTAIN TERMINI BY CONSTRUCTING AND INSTALLING A WATERMAIN, 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, CUYAHOGA COUNTY AND STATE OF OHIO, THAT:

Section 1. It is hereby declared necessary to improve Edgerton Road in the City, by constructing, installing and extending an existing 12-inch watermain a distance of approximately 1,760 linear feet beginning at an existing watermain valve located on the North side of Edgerton Road in front of Permanent Parcel No. 485-03-001 (10140 Edgerton Road) westerly to a terminus located on the North side of Edgerton Road located just west of the eastern property line of Permanent Parcel No. 484-03-001 (10600 Edgerton Road), including hydrants, valves, 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 hereof 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 in proportion to the benefits which may result from 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 Fiscal Officer and collected in accordance with the Ohio Revised Code.

Section 7. Bonds of the City may be issued in anticipation of the levy and 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. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

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 potable water supply and fire protection.

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/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: August 14, 2012

DATE APPROVED: August 15, 2012

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

First reading suspended  
Second reading suspended  
Third reading August 14, 2012

YEAS: Antoskiewicz, Nickell, Petrusky, Willey  
Marnecheck, Muller, Kasaris

NAYS: none

EXHIBIT A

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. 10600 Edgerton Road, Richard & Jeannette Maryo (P.P.N. 484-03-001, North side of Edgerton Road)
2. 10550 Edgerton Road, William Toth (P.P.N. 484-03-004, North side of Edgerton Road)
3. 10494 Edgerton Road, David & Hilde Frantz Trust (P.P.N. 484-03-003, North side of Edgerton Road)
4. 10482 Edgerton Road, Edward Wargo (P.P.N. 484-03-005, North side of Edgerton Road)
5. 10470 Edgerton Road, Robert & Colleen Walsh (P.P.N. 485-01-020, North side of Edgerton Road)
6. 10462 Edgerton Road, Steven & Daniela Lipp (P.P.N. 485-01-022, North side of Edgerton Road)
7. 10428 Edgerton Road, Frank & Francis Boysko (P.P.N. 485-01-019, North side of Edgerton Road)
8. 10390 Edgerton Road, Donald & Elisa Deluca (P.P.N. 485-01-018, North side of Edgerton Road)
9. 10316 Edgerton Road, Mircea & Maria Bartan (P.P.N. 485-01-017, North side of Edgerton Road)
10. 10238 Edgerton Road, Paul Mueller (P.P.N. 485-01-016, North side of Edgerton Road)
11. 10541 Edgerton Road, Daniel & Denise Deluca (P.P.N. 485-01-002 & 485-01-003, South side of Edgerton Road)
12. 10527 Edgerton Road, Sharon Branco (P.P.N. 485-01-023, South side of Edgerton Road)
13. 10511 Edgerton Road, Christopher Postle (P.P.N. 485-01-004 & 485-01-005, South side of Edgerton Road)
14. 10461 Edgerton Road, Martin & Connie Maurer (P.P.N. 485-01-006, South side of Edgerton Road)
15. 10315 Edgerton Road, Charles & Carol Hetman (P.P.N. 485-01-007, 485-01-008 & 485-01-009, South side of Edgerton Road)
16. 10279 Edgerton Road, Michael & Joan Stawicki (P.P.N. 485-01-010 & 485-01-011, South side of Edgerton Road)
17. No address, Board of Park Commissioners Cleveland Metroparks District (P.P.N. 485-01-012, South side of Edgerton Road)
18. 10151 Edgerton Road, Timothy & Jennifer Gottschling (P.P.N. 485-01-013, South side of Edgerton Road)
19. No address, Eva Laing Trustee (P.P.N. 485-01-014, South side of Edgerton Road)