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Clerk of Council

# City of Willoughby Hills

Council  
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DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## **ORDINANCE NO. 2009-61**

**AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS BY CONSTRUCTING AN 8-INCH SEWER, PUMP STATIONS AND FORCE MAINS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO (AREA "C"), IN ACCORDANCE WITH RESOLUTION NO. 2009-7 ADOPTED ON MAY 11, 2009.**

**WHEREAS**, the City of Willoughby Hills adopted a Comprehensive Plan to address the improvement of the water quality in the Euclid Creek Watershed; and

**WHEREAS**, the City of Willoughby Hills has undertaken a multi-phased approach to the construction of the improvements identified in same Comprehensive Plan and has completed two of the three phases identified in said Plan; and

**WHEREAS**, the City of Willoughby Hills has been mandated by the Environmental Protection Agency in other Assessment Areas to provide sanitary sewer service for property owners and residents therein and expressly wishes to avoid such costly and unfunded mandates to the City and its residents in Assessment Area "C" by further delaying the project; and

**WHEREAS**, as part of the Comprehensive Plan, the City has identified additional sanitary sewer improvements in the Sanitary Sewer General Plan for the Euclid Creek Tributary Watershed Assessment Area "C", dated May, 2008; and

**WHEREAS**, the Council of the City of Willoughby Hills adopted Resolution No. 2009-7 on May 11, 2009 declaring it necessary to improve the streets and certain municipal easements by constructing an 8-inch sanitary sewer, pump stations, and force mains; together with all necessary appurtenances thereto; and

**WHEREAS**, the Council of the City of Willoughby Hills finds it necessary to proceed with the construction of sanitary sewers in certain streets to promote the public health, safety and welfare of its property owners and residents.

***NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** It is hereby determined to proceed with the improvement of certain streets and municipal easements by constructing an 8-inch sanitary sewer, pump stations and force mains, together with all necessary appurtenances thereto, in accordance with Resolution No. 2009-7 adopted on May 11, 2009.

**SECTION 2.** The portion of the cost of the improvement to be paid by the City shall be \$239,454.64, plus the cost of intersections, plus the amount of the Ohio Public Works Commission Grant and the Army Corps of Engineers Section 594 Grant to the City for the improvement, plus the amount recommended to be paid by the City by the Assessment Equalization Board hereto appointed by Resolution No. 2009-10 adopted on May 28, 2009 (the "Board").

**SECTION 3.** The portion of the costs to be assessed shall be assessed in the manner and number of installments provided in Resolution No. 2009-7 adopted May 11, 2009, said resolution, and on the lots and lands described therein, as adjusted by the Board, the report of which Board was approved by Resolution No. 2009-15, adopted July 23, 2009.

**SECTION 4.** The estimated assessments heretofore prepared and filed in the office of the Clerk of this Council and approved as adjusted and equalized by the Board, the report of which Board was approved by Resolution No. 2009-15 adopted July 23, 2009, be and the same are hereby adopted.

**SECTION 5.** The Clerk of this Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within fifteen days after its passage.

**SECTION 6.** CT Consultants, Inc. is hereby authorized and directed as soon as funds therefore are available to cause contracts to be made for the improvement with the lowest and best bidders after advertising according to law, and the improvement shall be financed as provided in the above-mentioned resolution.

**SECTION 7.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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.

**SECTION 8.** This Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: July 23, 2009

Submitted to the Mayor for his approval  
on this July 23 day of July, 2009

ATTEST:

Victoria Ann Savage, CMC  
Clerk of Council

Kevin D. Malecek  
President of Council

Approved by the Mayor

Robert M. Weger  
Mayor