

# City of Willoughby Hills

## RESOLUTION NO. 2009 – 7

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**A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS AND CERTAIN MUNICIPAL EASEMENTS IDENTIFIED IN EXHIBIT "A" BY CONSTRUCTING AN 8-INCH SANITARY SEWER, PUMP STATIONS, AND FORCE MAINS; TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the City of Willoughby Hills developed 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 said comprehensive plan and has completed two of the three phases identified in said plan; 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, as amended; and

**WHEREAS**, as part of the financing of the Assessment Area C improvements, the City has arranged for a low interest loan through the OEPA Water Pollution Control Loan fund, which low interest loan represents a significant savings to the City and to the property owners in Assessment Area C; and

**WHEREAS**, the City of Willoughby Hills finds it necessary to construct sanitary sewers and related improvements in certain streets to promote the public health, safety and welfare of its property owners and residents;

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

**SECTION 1.** It is necessary to improve the streets and certain municipal easements identified in Exhibit "A", by constructing an 8-inch sanitary sewer, pump stations and force mains, together with all necessary appurtenances thereto, as shown on the plans hereinafter referred to as prepared by CT Consultants, Inc. It is hereby determined that said streets and easement are so situated in relation to each other that in order to complete the improvement thereof in the most practical and economical manner, they should be improved at the same time, with the same kind of materials and in the same manner.

**SECTION 2.** It is hereby determined and declared that said improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof.

**SECTION 3.** The grade of said sanitary sewer shall be the grade as shown by CT Consultants, Inc.'s plans and profiles which are made a part hereof.

**SECTION 4.** The plans, specifications, estimates and profiles of the proposed improvement, heretofore prepared by CT Consultants, Inc. and now on file in the office of the Clerk of this Council, are hereby approved.

**SECTION 5.** The City shall pay the costs of the improvements in the amount of \$239,454.64; which cost is at least two percent (2%) of the total cost of the improvements plus the cost of intersections. The remaining cost of the improvement shall be assessed, in proportion to the benefits which may result from the improvement, upon all lots and lands bounding and abutting upon the proposed improvement between the termini aforesaid. Said lots and lands are hereby determined to be specifically benefited by said improvement. The cost of said improvement shall

include the cost of preliminary and other surveys, plans, specifications, profiles, and estimates, and of printing, serving and publishing notices, resolutions and ordinances, and the amount of damage resulting from the improvement assessed in favor of any owner of land affected by the improvement and the interest thereon, the cost incurred in connection with the preparation, levy, and collection of the special assessments, the expenses of legal services, the cost of labor and material and interest on loans obtained to pay the cost of the improvement, together with all other necessary expenditures.

**SECTION 6.** CT Consultants, Inc. is hereby authorized and directed to prepare and file in the office of the Clerk of Council the estimated assessments for the cost of the improvement described in this Resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk of Council, and shall be prepared pursuant to the provisions of this Resolution and the filing of said estimated assessments to be served on the owners of all lots and lands to be assessed, as provided in R.C. 727.13.

**SECTION 7.** The assessments to be levied shall be paid in twenty (20) annual installments, with interest on deferred payments at the same rate as shall be paid by the City on any loans obtained to pay the cost of the improvement; provided, that the owner of any property assessed may at his option pay such assessment in cash within thirty (30) days after passage of the assessing ordinance.

**SECTION 8.** Loans shall be obtained by the City in anticipation of levy and collection of the assessments by installments and in an amount at least equal thereto.

**SECTION 9.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 10.** This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of a municipal department, and further provides for the immediate construction of the improvements necessary to improve the water quality in the Euclid Creek Watershed within the construction loan time schedule established by the OEPA to qualify for a low interest loan; wherefore, this Resolution shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: May 11, 2009

Submitted to the Mayor for his approval

on this 11th day of May, 2009

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

Kevin D. Malecek  
Kevin D. Malecek  
President of Council

Approved by the Mayor  
May 11, 2009  
Robert M. Weger  
Robert M. Weger  
Mayor