

City of Willoughby Hills

RESOLUTION NO. 2009 – 8

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS AND CERTAIN MUNICIPAL EASEMENTS IDENTIFIED IN EXHIBIT “A” BY CONSTRUCTING 6-INCH SANITARY LATERAL CONNECTIONS; TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, FOR THE WILLOW LANE SANITARY SEWER DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willoughby Hills, as part of its continuing program to comply with the requirements of the Ohio EPA and the Lake County Health District, finds it necessary to require that residents on Willow Lane, not presently connected to the Willow Lane Sewer, connect their homes to the available sewer; and

WHEREAS, lateral connections were not constructed for all parcels benefiting from the Willow Lane Sewer at the time of its construction; and

WHEREAS, lateral connections are needed by residents who will be required to connect to the Willow Lane Sewer in order to properly discharge waste to said sewer; and

WHEREAS, in order to assess the cost of a municipally initiated lateral construction program, the City established the Willow Lane Sanitary Sewer District, pursuant to ORC 727.44 for purposes of equitably assessing benefiting property owners; and

WHEREAS, pursuant to ORC 727.47, the Council of the City of Willoughby Hills has adopted a General Plan for the Willow Lane Sanitary Sewer District; and

WHEREAS, the City of Willoughby Hills finds it necessary to construct sanitary lateral connections to the existing sewer in certain streets to promote the public health, safety and welfare of its property owners and residents; and

WHEREAS, the Willow Lane Sanitary Sewer District lateral construction program that was delayed in 2007 is now able to be constructed as part of the construction to be undertaken in connection with the ECTW Area “C” program.

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” as the “Willow Lane Sanitary Sewer District”, by constructing 6-inch sanitary lateral connections, 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 street and easements 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 lateral connections 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 \$445.13 as provided in the Assessment Methodology filed by City Engineer with the Clerk of Council for the improvements to benefited properties within the Willow Lane Sanitary Sewer District. 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, including all parcels identified in the description of the Willow Lane Sanitary Sewer District, attached hereto as if fully rewritten herein. 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 forty (40) semi-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 for the further reason that this Resolution is required to be immediately effective to provide for the construction of the improvement, which is needed to protect the health of the citizens of the City; wherefore, provided it receives the affirmative vote of at least three-fourths (3/4) of the membership of Council, this Resolution shall be in full

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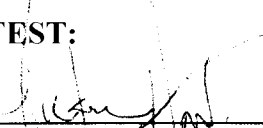
force and effect immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period permitted by law.

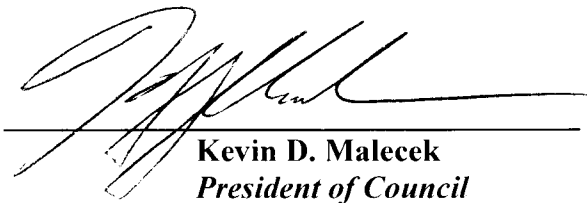
PASSED: May 11, 2009

Submitted to the Mayor for his approval

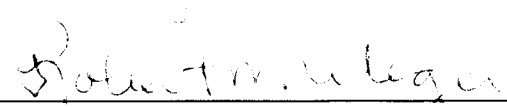
on this 11 **day of** May, 2009

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor

May 11, 2009

Robert M. Weger
Mayor