

RESOLUTION R-1-85

A RESOLUTION STATING THE NECESSITY OF IMPROVING EAST MAIN STREET AND LIBERTY STREET BY CONCRETE AND ASPHALT PAVING, CURBING AND WIDENING, CONCRETE SIDEWALKS, STORM SEWER IMPROVEMENT, AND WATERLINE IMPROVEMENT AND DECLARING AN EMERGENCY

Be it Resolved by the Council of the Village of Spencer, Ohio in the County of Medina, State of Ohio, three-fourths of the members elected thereto concurring, as follows:

1. DETERMINATION TO IMPROVE

That it is hereby determined to be necessary to improve East Main Street (S.R. 162) from Jefferson Street in an easterly direction to a point 330 feet east of the west boundary of property owned by Everett B. and Mona M. Larkey by concrete and asphalt paving, curbing and widening, concrete sidewalks, storm sewer improvement and waterline improvement and to improve Liberty Street from East Main Street southerly a distance of 230 feet with the same type of improvements above set forth in this paragraph, all in accordance with the plans and specifications hereinafter referred to.

2. APPROVAL OF PLANS AND SPECIFICATIONS

That the plans, profiles, specifications and the estimate of cost for said improvements heretofore prepared by the engineer and placed on file in the office of the Clerk of this Council be and the same hereby are approved.

3. GRADE AS PER MAPS AND PROFILE

That the grade of said streets after said improvement has been completed shall be as shown on said plans and profiles.

#### 4. LEVY OF ASSESSMENT

That 25% of the cost of that part of said improvements which are not paid 100% by the Village of Spencer shall be assessed upon the following described lots and lands, to-wit: all lots and lands bounding and abutting upon said improvements which said lots and lands are hereby determined to be specifically benefitted by said improvements. Said assessments shall be levied by the following method, to-wit: by the foot front of the property bounding and abutting upon the improvements, and shall be paid, when levied, in ten (10) annual installments, with interest on unpaid installments at the same rate as is carried by the bonds to be issued in anticipation of the collection thereof provided, however, that the owner of any property assessed may, at his option, pay such assessment in cash within thirty days after passage of the ordinance levying such assessments. The remainder of the cost of said improvements, after the application of the assessments herein provided for shall be provided by the issuance of bonds as provided by law or from other funds available and appropriated for such purpose.

#### 5. ISSUANCE OF BONDS AND NOTES

That bonds of the Village of Spencer shall be issued in anticipation of the collection of said assessments by installments and in an amount equal thereto, and notes of said Village shall be issued in anticipation of such bonds and of the levy of such assessments.

#### 6. ESTIMATED ASSESSMENTS

That the Clerk of said Village be and she hereby is,

authorized and directed to prepare an estimated assessment of the cost of said improvements based on the estimate of cost heretofore filed in the office of the Clerk of this Council in accordance with the method of assessment set forth in this resolution, and showing thereon the amount of the assessment against each lot and parcel of land to be assessed. Said estimated assessment shall be filed in the office of said clerk and shall be available for public inspection.

7. NOTICE TO PROPERTY OWNER

That, upon the filing of said estimated assessments as hereinbefore provided, the Clerk of this Council is authorized and directed to cause notice of the passage of this resolution and of the filing of said estimated assessments to be served upon the owners of all lots and lands to be assessed, in the manner provided by law.

8. EMERGENCY PROVISIONS

This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare of said Village for the reason that the improvements hereinbefore described are immediately needed for the safe maintenance of highway and pedestrian traffic and the safe maintenance of water service to the benefitted areas of said Village and therefore, this resolution shall be in full force and effect from and after its passage.

PASSED: March 12, 1985

Gene Clifford  
Mayor

ATTEST:

Robert M. Wiley  
Clerk