

RESOLUTION NO.: 3 -2011
INTRODUCED BY: Alexander

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN PROPERTIES IN THE CITY OF RICHMOND HEIGHTS BY CONSTRUCTING PUBLIC SIDEWALKS, WITH THE NECESSARY APPURTENANCES THERETO, IN CERTAIN DESIGNATED LOCATIONS IN THE HIGHLAND ROAD, RICHMOND ROAD, AND CHARDONVIEW DRIVE VICINITIES; AND DECLARING AN EMERGENCY.

WHEREAS, Council has previously authorized and requested the City Engineer, Lee Courtney, of The C.W. Courtney Company, to prepare plans, specifications, profiles and cost estimates for the improvement described in Section 1;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, at least three-fourths of all members elected or appointed thereto concurring, that:

Section 1: It is declared necessary to improve in the City of Richmond Heights the properties described in Section 4 of this Resolution by the installation of public sidewalks, together with all necessary appurtenances thereto, in the following public rights-of-way and work areas related thereto:

The north side of Highland Road from Richmond Road easterly approximately 2,600 feet to the Highland Heights westerly corporation line, but excepting therefrom those areas with existing concrete sidewalks; the east side of Richmond Road from A.E.C. Parkway (formerly Swetland Court) northerly approximately 2,000 feet to Chardonview Drive, but excepting therefrom those areas with existing concrete sidewalks; and the easterly side of Chardonview Drive from Richmond Road northerly approximately 1,300 feet to Brushview Drive, but excepting therefrom those areas with the existing concrete sidewalks.

(Hereinafter referred to as the "Improvement".)

Section 2: The plans, specifications, profiles and estimate of cost of the Improvement, prepared by the C.W. Courtney Company, engineering consultants to the City, and now on file in the office of the Clerk of Council, are approved. The Improvement shall be made in accordance with, and the grade of the Improvement and of any street shall be the grade as shown on the plans, specifications and profiles for the Improvement.

Section 3: The Council finds and determines that: (i) the Improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the

Improvement. This Council further finds and determines that this Improvement constitutes a continuous public sidewalk system improvement and the properties to be improved are so situated in relation to each other that, in order to complete the Improvement thereof as herein provided 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 and, therefore, they shall be treated as a single improvement and included in the same legislation and contract.

Section 4: The whole cost of constructing the Improvement, together with the necessary appurtenances thereto, as determined by the C.W. Courtney Company, less 2% of that whole cost together with the cost of intersections, shall be assessed by the foot front of the property bounding and abutting upon the Improvement together with the necessary appurtenances thereto, as determined by The C.W. Courtney Company, upon all lots and lands bounding and abutting upon an area described as follows:

The north side of Highland Road from Richmond Road easterly approximately 2,600 feet to the Highland Heights westerly corporation line, but excepting therefrom those areas with existing concrete sidewalks; the east side of Richmond Road from A.E.C. Parkway (formerly Swetland Court) northerly approximately 2,000 feet to Chardonview Drive, but excepting therefrom those areas with existing concrete sidewalks; and the easterly side of Chardonview Drive from Richmond Road northerly approximately 1,300 feet to Brushview Drive, but excepting therefrom those areas with the existing concrete sidewalks.

Section 5: The cost of the 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, the amount of any damages resulting from the Improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the Improvement, expenses of legal services including obtaining legal opinions, cost of labor and material, cost of inspection, and interest on securities issued in anticipation of the levy and collection of the special assessments or, if securities in anticipation of the levy of the special assessments are not issued, together with all other necessary expenditures.

Section 6: The C.W. Courtney Company is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the Improvement described in this Resolution. Those estimated special assessments shall be based upon the estimate of cost of the Improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Resolution. When the estimated special assessments have been so filed, the 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 7: The special assessments to be levied shall be paid according to the following payment schedule: in ten annual installments, with interest on the unpaid principal

amount of each special assessment at the same rate or rates of interest as shall be borne by securities to be issued in anticipation of the collection of the total of the unpaid special assessments; provided that the owner of any property assessed may pay the special assessment within 30 days after passage of the assessing ordinance.

Section 8: The City presently intends to issue securities in anticipation of the levy of the special assessments and to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of the entire cost of the Improvement, after application of the special assessments, shall be paid from other funds available for that purpose.

Section 9: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in open meetings 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 10: 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 is required to be immediately effective to provide for the construction of the Improvement, which is needed to eliminate potential hazards to the health, safety, and general welfare of the general public, pedestrians, and the owners of the properties to be assessed; wherefore, this Resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council