



CITY OF PATASKALA

RESOLUTION NO. 2010 - 009

Passed March 22, 2010

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CERTAIN IMPROVEMENTS IN THE CITY OF PATASKALA, OHIO CONSISTING OF THE CONSTRUCTION OF A SANITARY SEWER COLLECTION SYSTEM IN THE AREA OF THE CITY KNOWN AS THE OAKS.

WHEREAS, this City Council of the City of Pataskala, Ohio (the "City") has previously authorized and requested W. E. Stilson Consulting Group LLC, the engineering consultant to the City (the "Engineer"), to prepare plans, specifications, profiles and estimates of costs of constructing a sanitary sewer collection system in the area of the City known as The Oaks (the "Project"); and

WHEREAS, such plans, specifications, profiles (showing the proposed grade of the easements and improvements after completion with reference to property abutting thereon) and estimates of cost have been prepared and are on file in the office of the Clerk of Council, and are open to the inspection of all persons interested;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Pataskala, Ohio, a majority concurring, that:

SECTION 1. It is hereby declared necessary to improve the properties described on Exhibit A hereto by constructing the Project which will serve such properties, all as more fully described in the plans, profiles, specifications and estimates of cost referred to in the preambles hereof, which shall be open to the inspection of all persons interested.

SECTION 2. It is hereby determined and declared that the Project is conducive to the public peace, health, safety and welfare of the City and the inhabitants thereof.

SECTION 3. The plans, specifications, profiles and estimate of cost of the Project are hereby approved, affirmed, ratified and incorporated herein by this reference.

SECTION 4. The entire cost of the Project is currently estimated at \$502,820. Ten percent of the estimated project costs, (\$50,282.00), shall be borne by the City with ninety percent of the estimated project costs, (\$452,538.00), assessed in proportion to the benefits which may result from the improvements comprising the Project for all the lots and lands

bounding and abutting on such improvements, all of which lots and lands are described in Exhibit A hereto and are hereby determined to be specially benefited by the Project; provided, however, that:

(a) the portion of said special assessments which, together with all assessments made for all other purposes within a period of five (5) years preceding the passage of the assessing ordinance for said special assessments under Section 727.25 of the Ohio Revised Code, is in excess of thirty-three and one-third per cent (33-1/3%) of the actual value of each lot or parcel, including improvements thereon, as enhanced by the improvements for which said special assessments are levied (such value to be determined as of the date of such assessing ordinance), shall be paid for by the City pursuant to Section 727.03 of the Ohio Revised Code, and

(b) (i) one-fiftieth (1/50th) of the total cost of the Project, (ii) the cost of intersections, and (iii) fifty per centum (50%) of the cost of acquiring by appropriation real estate or any interest therein, shall be paid for by the City, pursuant to Sections 727.05 and 727.08 of the Ohio Revised Code.

The cost of the improvements 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 cost of all special proceedings, the amount of damages resulting from the improvements 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 therefore any required real estate or interest therein, expenses of legal services including obtaining an approving legal opinion, cost of labor and material, and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures relating to the special assessments, such improvements or such bonds and notes.

SECTION 5. The Engineer is hereby authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvements described in this resolution. Those estimated special assessments shall be based upon the estimates of cost of the Project now on file in the office of the Clerk of Council, shall be prepared pursuant to the provisions of this resolution and shall show the amount of the estimated assessment against each lot or parcel of land to be assessed. 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 6. Such assessments to be levied shall be paid over twenty-five (25) years in semi-annual installments, with interest on the unpaid principal amount of each assessment at the same rate and for the same period as the bonds to be issued in anticipation of the collection thereof; provided, that the owner of any property assessed may, at such owner's option, pay such assessment in cash within (30) days after the first publication of the notice of the assessment ordinance.

SECTION 7. The City intends to issue (i) bonds in anticipation of the collection of such special assessments by installments and in an amount equal thereto, and (ii) notes in anticipation of the issuance of such bonds and the levy of such assessments.

SECTION 8. The remainder of the entire cost of the Project, after application of the assessments herein provided, shall be paid by the issuance of bonds and notes in anticipation

thereof of the City in the manner provided by law or from funds available to the City for this purpose.

SECTION 9. It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this City Council; and that all deliberations of this City Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 10. Resolution No. 2009-005 adopted May 18, 2009 is hereby repealed in its entirety.

SECTION 11. This resolution shall take effect upon passage.

CERTIFIED AS ADOPTED, this 22nd day of March, 2010.



Mayor

ATTEST:



Clerk of Council

Approved As To Form: 

Rufus B. Hurst, Esq.
Director of Law

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