



City of Powell, Ohio

ORDINANCE 2016-36

Adopted September 6, 2016

AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY.

WHEREAS, the owner of properties known as the Verona subdivision located on the north side of Powell Road in the City of Powell (the "Petitioner") have petitioned the City for the construction of certain public sewer main infrastructure on the north side of Powell Road (the "Project"); and

WHEREAS, In the petition of August 2016, a copy of which is attached hereto and marked Exhibit A, the Petitioners have waived various procedural steps in order to expedite construction of the Project and thereby permit placement of assessments on the current tax duplicate; and

WHEREAS, construction of the certain public infrastructure improvement constituting the Project have been substantially completed in accordance with the petition and the Petitioners now wish to provide for placement of the assessments on the current tax duplicate for collection beginning in 2017; and

WHEREAS, Council has been presented a certificate of final costs prepared by the City's Engineer indicating the final cost of the Project and showing the amount of the final assessments to be levied against the benefited properties as set forth on the Assessment Schedule attached to the petition and marked Exhibit B;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: Council hereby determines that it was and is necessary to proceed with the construction of the Project as requested by the Petitioners, in accordance with plans, specifications, and estimates of cost (the "Plans") heretofore approved by the Engineer to the City, which Plans have been placed on file in the office of the City Clerk and are open for public inspection.

Section 2: Pursuant to the petition, the cost of the Project, in the amount of \$1,208,793.63, shall be assessed, with interest at a rate of three percent (3%) per annum, on the properties as identified on Exhibit B. The special assessments shall be collected over a period of five (5) years in semiannual installments as real estate taxes are paid.

Section 3: The assessments of the cost and expense of the Project, as set forth on Exhibit B, are hereby **ADOPTED** and **CONFIRMED** and there shall be levied and assessed upon the lots and lands therein identified, the several amounts reported, which assessments are in proportion to the special benefits conferred by the Project, are consistent with the Petition, and are not in excess of any statutory limitation.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of this Council and any of its committees which resulted in such

formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 5: The City Clerk is hereby directed to deliver a certified copy of this Ordinance to the County Auditor prior to September 12, 2016, being the second Monday in September.

Section 6: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare of the City for the reason that this Ordinance must be effective and certified to the County Auditor by the second Monday in September in order for the assessments to be placed on the tax duplicate for the current year, wherefore this Ordinance shall go into full force and effect immediately upon its passage.

VOTE ON ORDINANCE 2016-36: Y 7 N 0

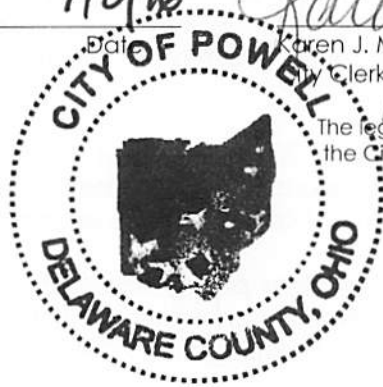


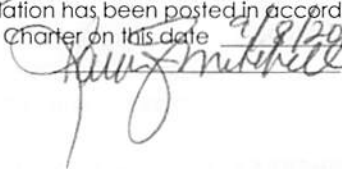
Brian Lorenz
Mayor

9/8/16  9/8/2016

Date Karen J. Mitchell Date
City Clerk

EFFECTIVE DATE: September 6, 2016



The legislation has been posted in accordance with the City Charter on this date 9/8/2016.


City Clerk

City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout