

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 13-52

INTRODUCED BY: Antoskiewicz, Kasaris, Marnecheck,
Muller

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF EDGERTON ROAD IN THE CITY OF NORTH ROYALTON BETWEEN CERTAIN TERMINI BY CONSTRUCTING AND INSTALLING A WATERMAIN, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, Council adopted Resolution No. 12-180 on November 20, 2012 (the “Resolution of Necessity”) declaring the necessity of making the improvement described in Section 1 of the Resolution of Necessity; and

WHEREAS, Council has heretofore passed its ordinance approving the Report of the Assessment Equalization Board, appointed by the Council of this City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. It is hereby determined to proceed with the improvement of Edgerton Road in the City, by constructing, installing and extending an existing 12-inch watermain a distance of approximately 1,760 linear feet beginning at an existing watermain valve located on the North side of Edgerton Road in front of Permanent Parcel No. 485-03-001 (10140 Edgerton Road) westerly to a terminus located on the North side of Edgerton Road located just west of the eastern property line of Permanent Parcel No. 484-03-001 (10600 Edgerton Road), including hydrants, valves, lateral service connections, aprons, culverts, related site improvements and all other necessary appurtenances thereto (collectively, the “Improvement”) in accordance with the provisions of the Resolution of Necessity.

Section 2. The Improvement shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles and estimates of cost previously approved and now on file in the office of the Clerk of this Council.

Section 3. All claims for damages resulting from the Improvement that have been legally filed shall be inquired into after completion of the Improvement, and the City Law Director is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

Section 4. The portion of the cost of the Improvement to be assessed in accordance with the Resolution of Necessity, shall be assessed in the manner and the number of installments provided, and on the lots and lands described in the Resolution of Necessity.

Section 5. The estimated special assessments previously prepared and filed in the office of the Clerk of Council as equalized by the Assessment Equalization Board, are adopted.

Section 6. The Clerk of Council shall deliver a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer within 15 days after its passage.

Section 7. Subject to the provisions of Section 727.24 of the Revised Code, the City Engineer or his designee or other appropriate officer of the City is authorized and directed, as soon as the funds are available, to make and sign a contract for the Improvement with the lowest and best bidder after advertising according to law, and the Improvement shall be financed as provided in the Resolution of Necessity, including the issuance of bonds in the manner provided by law or from other funds available for this purpose.

Section 8. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 9. This Ordinance 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 ordinance must be immediately effective to provide for the construction of the Improvement which is urgently necessary to provide potable water supply and fire protection; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: March 19, 2013

DATE APPROVED: March 20, 2013

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading March 19, 2013

YEAS: Antoskiewicz, Nickell, Petrusky
Marnecheck, Muller, Kasaris

NAYS: none