

## RESOLUTION NO. 150-23

BY: **KAMMY SHUMAN, ALLAN DIVIS**  
(By Request – City Engineer)

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE VALLEY VILLAS DRIVE, A PORTION OF YORK ROAD, AND A PORTION OF STATE ROAD BY PROVIDING THE INSTALLATION OF SANITARY SEWERS IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. It is declared necessary to improve in the City of Parma, Ohio, the public streets of Valley Villas Drive, a portion of York Road, and a portion of State Road by providing sanitary sewers, as specified in Exhibit "A" attached hereto and in accordance with the plans and specifications referred to in Section 2 of this Resolution.

Section 2. The plans, specifications, profiles and estimate of cost of the improvement, heretofore prepared 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. This Council finds and determines that (i) the improvement is conducive to the public health, welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specifically benefitted by the improvement. This Council further finds and determines that the public streets, roads, boulevards, and places to be improved are so situated in relation to each other that, in order to complete the improvement thereof 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. That the whole cost of the improvement, less 1/50<sup>th</sup> of that whole cost together with the cost of the improvement in intersections, and less any contribution from the City of Parma, shall be assessed by the front footage of the property bounding and abutting the improvement. Pursuant to Section 727.03 of the Ohio Revised Code, the assessment levied for the construction of any main sewer shall not exceed the sum that, in the opinion of this Council, would be required to construct an ordinary sewer of sufficient capacity to sewer the lots or lands to be assessed for such improvement.

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 and the cost of labor and material, interest on any securities issued in anticipation of the levy and collection of the special assessments, or if such securities are not issued, interest on unpaid assessments, together with all other necessary expenditures.

Section 6. The City of Parma Engineer’s Office 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 costs of the improvement now on file in the office of Clerk of Council and shall be prepared pursuant to the provisions of this Resolution. When the estimated assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimate 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 twenty (20) annual installments; provided that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

Section 8. The special assessments to be levied may be levied and collected before the improvement is commenced or completed.

Section 9. The City presently intends to issue securities in anticipation of the levy and/or the collection of the special assessments. The remainder of the entire costs of the improvement, after application of the special assessments, shall be paid from funds appropriated by Council for that purpose or from other sources.

Section 10. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were meetings open to the public in compliance with all legal requirements.

Section 11. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this Resolution must be immediately effective so that the proceedings for the assessment of the costs of constructing the improvement can be commenced at once in order to provide the revenue to promptly improve health and environmental conditions by the construction of sanitary sewers, and is necessary in order to comply with the Ohio EPA and Cuyahoga County Board of Health requirements, and this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_  
MAYOR, CITY OF PARMA, OHIO