

**AN EMERGENCY RESOLUTION DECLARING IT NECESSARY
TO IMPROVE EASTGATE DRIVE AND MEADOWOOD DRIVE
BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS,
SANITARY SEWER SERVICE CONNECTIONS AND MANHOLES,
INSTALLING, WHERE NECESSARY, FORCE MAINS AND STORM SEWERS,
AND REPLACING, WHERE NECESSARY, PAVEMENT AND DRIVEWAY APRONS,
ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO.**

WHEREAS, Council has previously authorized and requested the Village Engineer to cause plans, profiles, specification and an estimate of cost to be prepared (collectively, the "Plans") for the improvement project described in Section 1 (the "Improvement Project"); and

WHEREAS, based upon such previous authorization and request the Village Engineer has prepared and filed the Plans for the Improvement Project with the Clerk of Council;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THREE-FOURTHS OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING THAT:

SECTION 1. It is declared necessary to improve Eastgate Drive from Meadowood Drive thence westerly approximately 1,637 feet and Meadowood Drive from Thornapple Road thence easterly approximately 2,360 feet, by constructing sanitary sewers, sanitary sewer service connections and manholes, installing, where necessary, force mains and storm sewers, and replacing, where necessary, pavement and driveway aprons, all together with the necessary appurtenances thereto as shown on the Plans now on file with the Clerk of Council.

SECTION 2. The Plans now on file with the Clerk of Council are approved. The Improvement Project 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.

SECTION 3. This Council finds and determines that (i) the Improvement Project is conducive to the public health, convenience and welfare of the Village and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specifically benefited by the improvement. This Council further finds and determines that the streets to be improved are so situated in relation to each other that, in order to complete the Improvement Project 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 Village shall assume and pay as its portion of the cost of the Improvement Project the costs of intersections plus 2% of the costs of the Improvement Project and, as contemplated below, all other costs in excess of \$7,200 per lot or land assessed for the Improvement Project. The remaining costs of the Improvement Project shall be assessed in

proportion to the benefits that may result therefrom upon those lots and lands within the Village set forth in Exhibit "A" attached hereto and incorporated herein by reference, provided, however, that, as contemplated above, the amount of any such assessment in excess of \$7,200 on any such lot or land shall be included as part of the Village's portion of the cost of the Improvement Project.

SECTION 5. The cost of the Improvement Project shall include the cost of the preliminary and other surveys, plans, specifications, profiles, estimates, engineering, construction management, inspection, administration and field representation services and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the Improvement Project and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, expenses of legal services including obtaining legal opinions, cost of construction, including labor and material, and interest on securities issued in anticipation of the levy, if any, and collection of the special assessments, or if securities in anticipation of the levy of the special assessments are not issued, interest at the rate of 3% per year on moneys advanced by the Village for the cost of the Improvement Project in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 6. The Village Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments necessary to pay the property owners' portion of the cost of the Improvement Project described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the Improvement Project 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 proposed to be assessed.

SECTION 7. The special assessments to be levied shall be paid according to the following payment schedule: in twenty annual installments, with the 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 or, if such securities are not issued, at the rate or rates of interest determined by this Council when it passes the assessing ordinance levying those special assessments which shall be 3%; provided that the owner of any property assessed may pay the special assessments in cash within 30 days of the passage of the assessing ordinance.

SECTION 8. The Village presently does not intend to issue securities in anticipation of the levy of the special assessments. The Village presently does not intend 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 cost of the Improvement Project, after application of the special assessments, shall be paid by funds available and appropriated for the Improvement Project from the Village's Sewer Relief Fund or from other available funds.

SECTION 9. The Council finds and determines that all formal actions of the Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that all deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public in compliance with all statutory requirements including the requirements of Village Charter Article III, Section 7 and Section 121.22 of the Ohio Revised Code.

SECTION 10. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Mayfield Village and for the reason that the immediate effectiveness of this Resolution is required to provide for the construction of the Improvement Project which is necessary to provide for a system of centralized sewage collection, disposal and treatment and thereby eliminate environmental hazards and preserve and protect the health of the residents of the Village. It shall, therefore, take effect immediately upon adoption by the affirmative vote of not less than six (6) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

WILLIAM BUCKHOLTZ, Council President

First Reading: _____ 2014
Second Reading: _____ 2014
Third Reading: _____ 2014
PASSED: _____ 2014

BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:

JOSEPH W. DIEMERT, JR., DIRECTOR OF LAW

ATTEST: _____
MARY E. BETSA, Clerk of Council