## RESOLUTION NO. \_\_\_\_065 - 2004

A RESOLUTION DECLARING THE NECESSITY OF REPAIRING AND RECONSTRUCTING CERTAIN SIDEWALKS IN THE CITY OF OREGON; REQUIRING THAT ABUTTING PROPERTY OWNERS REPAIR SAME; RATIFYING AND CONFIRMING NOTICES; AUTHORIZING REPAIR OR RECONSTRUCTION OF SAID SIDEWALKS BY DIRECTOR OF PUBLIC SERVICE AND IN CERTAIN CASES, PROVIDING FOR ASSESSMENT OF COST; AND DECLARING AN EMERGENCY

WHEREAS, the Administration desires to embark on a sidewalk repair program in the City of Oregon; and,

WHEREAS, the Oregon Municipal Code (909.10) and the Ohio Revised Code (729.02) authorize the City to require sidewalk repair of abutting property owners; and,

WHEREAS, if the abutting property owner does not perform such repairs, the City may make the necessary repairs and assess such repairs to the property owner; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OREGON, OHIO, THAT:

SECTION 1. That it is necessary to repair certain sidewalks in the City of Oregon, Ohio at the locations as attached hereto, made a part hereof and referenced as Exhibit A, pursuant to the assessing statutes of 729 of the Ohio Revised Code and the Oregon Municipal Code.

SECTION 2. The specifications and estimate for the repair of the sidewalks now on file in the office of the Director of Public Service are approved.

SECTION 3. The owners of each lot and parcel of land bounding and abutting on the sidewalk needing repair, shall repair that portion of the sidewalk, which abuts his/her property.

SECTION 4. Each of said sidewalks shall be repaired or reconstructed using the materials specified, in the manner, and at the grades set forth in the sidewalk specifications on file in the office of the Director of Public Service in the City of Oregon within forty-five (45) days after service of this Resolution; said sidewalk specifications and grades above referred to be hereby specifically approved.

SECTION 5. In the event any such property owner shall fail, neglect, or refuse to repair or reconstruct any such sidewalk hereinbefore specified within the forty-five (45) day period aforesaid after service of notice so to do, the Director of Public Service be, and he hereby is, authorized and directed to cause each such sidewalk to be repaired or reconstructed using the materials and in the manner aforesaid and to make return to Council of the cost and expense

thereof. The entire cost of such work shall be assessed on the tax duplicate of the lot and/or parcel bounding and abutting on the sidewalk needing repair or reconstruction. The cost of said

improvement shall include, but not be limited to, the cost of preliminary and other surveys, plans, specifications, profiles and estimates of cost and of printing, serving and publishing notices, resolutions and ordinances, the cost incurred in connection with the preparation, levy and collection of special assessments, legal expense, the cost of labor and materials and other necessary expenditures.

SECTION 6. The assessments so to be levied shall be paid in four (4) semi-annual installments with interest on deferred payments at the same rate as shall be borne by notes and bonds issued in anticipation of the collection thereof, provided that the owner of any property assessed may at his option pay such assessment in cash within thirty (30) days after passage of the assessing ordinance.

SECTION 7. The Clerk of Council be, and she hereby is, directed to cause a written notice of the passage of this Resolution to be served upon the property owners specified in Exhibit A by certified mail and as required by ORC 729.03.

SECTION 8. It is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio, and that the reading and adoption of this Resolution complies with the provisions of Article III, Section 9 of the City Charter as amended.

SECTION 9. This Resolution is hereby declared to be an emergency measure and shall take effect and be in force upon its passage and signature by the Mayor. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health and safety in that repairs to the sidewalks referred to herein are urgently required for the safety and protection of the citizens of the City of Oregon.

vote on emergency clause:	Yeas/Nays0Abs0
Vote on passage:	Yeas7 Nays0 Abs0
Passed this 10th day of May, 2004.	
ATTEST:	/s/ Michael P. SheehyPresident of Council APPROVED:
Mary E. Finger Clerk of Council	<u>/s/ Marge Brown</u> Mayor