

ORDINANCE NO. 2018-15

**AN ORDINANCE
DETERMINING TO PROCEED WITH THE
ACQUISITION, CONSTRUCTION, INSTALLATION,
EQUIPPING, AND IMPROVEMENT OF A
RECREATIONAL TRAIL WITHIN ORANGE VILLAGE,
TOGETHER WITH ALL NECESSARY AND PROPER
APPURTENANCES**

WHEREAS, this Council previously adopted Resolution No. 2018-1 (the "Resolution of Necessity") on March 14, 2018, which declared the necessity of acquiring, constructing, installing, equipping, and improving a recreational trail within Orange Village, together with all necessary and proper appurtenances, and acquiring the real estate therefor, all as shown on the Plans and Specifications on file in the office of the Clerk of Council (the "Project"); and

WHEREAS, the Resolution of Necessity declared the necessity of levying Special Assessments on the Parcels in proportion to the special benefits conferred upon such Parcels from the Project in order to pay for costs and expenses of the Project; and

WHEREAS, notice of the adoption of the Resolution of Necessity and the filing of the estimated Special Assessments was served upon the Owners of the Parcels as provided in Section 727.13 of the Ohio Revised Code; and

WHEREAS, the claims for damages alleged to result from, and objections to, the Project have been waived by one hundred percent (100%) of the Owners, and no claims for damages alleged to result from, or objections to, the Project have been filed within the times prescribed by Sections 727.15 and 727.18 of the Ohio Revised Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, OHIO THAT:

Section 1. Capitalized terms not otherwise defined in this Ordinance shall have the meaning assigned to each such term in the Petition attached as Appendix A to the Resolution of Necessity.

Section 2. This Council is determined to proceed with the acquisition, construction, installation, equipping, and improving of the Project in accordance with the Resolution of Necessity and the Plans and Specifications.

Section 3. All claims for damages resulting from the Project that have been legally filed shall be inquired into after completion of the Project, and the Law Director is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into such claims in accordance with all legal requirements.

Section 4. The estimated Special Assessments to be assessed in accordance with the Resolution of Necessity are hereby adopted, and such Special Assessments shall be assessed in

ORDINANCE NO. 2018-15

#2

the manner set forth in the Resolution of Necessity in proportion to the special benefits conferred upon the Parcels from the Project and in accordance with the Petition.

Section 5. In accordance with Section 319.61 of the Ohio Revised Code, the Clerk of Council is authorized and directed to deliver a certified copy of this Ordinance to the County Fiscal Officer within 15 days after its passage.

Section 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any such formal action were in meetings open to the public in compliance with all legal requirements, including Chapter 105 of the Codified Ordinances of Orange Village.

Section 7. Pursuant to Section III-11 of the Charter, this Ordinance provides for "improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor." Accordingly, this Ordinance shall take effect upon its signature by the Mayor, upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after it has been vetoed by the Mayor, as the case may be.


PASSED: April 11, 2018

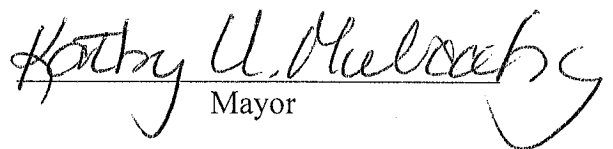

Council President Pro-Tem

Submitted to the Mayor for
Approval on this 11 day of April, 2018

Approved by the Mayor this
11 day of April, 2018

ATTEST:


Clerk of Council


Mayor

RECEIPT OF COUNTY FISCAL OFFICER FOR
ORDINANCE DETERMINING TO PROCEED
WITH PUBLIC IMPROVEMENTS

I, Dennis G. Kennedy, the duly elected, qualified, and acting County Fiscal Officer in and for Cuyahoga County, Ohio, hereby certify that a certified copy of Ordinance No. _____, duly passed by the Council of Orange Village, Ohio, on _____, 2018, determining to proceed with public improvements, was filed in this office on _____, 2018.

WITNESS my hand and official seal at Cleveland, Ohio, on _____, 2018.

[SEAL]

County Fiscal Officer
Cuyahoga County, Ohio