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AUDITOR'S OFFICE

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ORDINANCE NO. 2013-13

WAYNE COUNTY AUDITOR
WAYNE COUNTY, OHIO

ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF FRIENDSVILLE ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING, REHABILITATING AND OTHERWISE IMPROVING STORM SEWERS, STORM WATER DRAINAGE FACILITIES, UNDERGROUND CONDUITS, CATCH BASINS, MANHOLES, WATER MAINS, SANITARY SEWERS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 2013-18 on February 19, 2013, declaring the necessity of making the improvement described in Section 1 (the Resolution of Necessity);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, WAYNE COUNTY, OHIO, that:

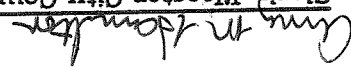
SECTION 1. It is determined to proceed with the improvement of Friendsville Road from a point approximately 271 feet northerly of the intersection of Friendsville Road and Milltown Road northerly approximately 3,019 feet, ending at a point approximately 342 feet northerly of the intersection of Friendsville Road and Riffel Road, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing, rehabilitating and otherwise improving storm sewers, storm water drainage facilities, underground conduits, catch basins, manholes, water mains, sanitary sewers, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto.

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

SECTION 3. Any claims for damages resulting from the improvement that have been legally filed shall be inquired into after completion of the improvement, and the Director of Law 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 pursuant to the schedule set forth, and on the lots and lands described, in the Resolution of Necessity.

I hereby certify this is a true and correct copy of the original on file.


Amy M. Schmitter
Clerk, Wooster City Council

SECTION 5. The estimated special assessments previously prepared and filed in the office of the Clerk of Council are adopted.

SECTION 6. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 15 days after its passage.

SECTION 7. Subject to the provisions of Section 727.24 of the Revised Code, the Director of Administration is authorized and directed, as soon as the funds are available, to make and execute 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.

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 of its 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, welfare and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 3-18-13 2nd reading _____ 3rd reading 3-18-13

Passed: March 18, 2013 Vote: 6-0

Attest: Anne M Hamilton
Clerk of Council

Michael G. Ryznar
President of Council

Approved: 3-18, 2013

Jon Ulbright
Mayor

Introduced by: Jon Ulbright