

## **RESOLUTION NO. 2016-84**

### **A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN PUBLIC PLACES IN THE CITY BY LIGHTING, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Council passed Ordinance No. 2005-39 on July 25, 2005, establishing and adopting policies and procedures applicable to the levy of special assessments for the cost of lighting public places as provided in that ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Huron, Erie County, Ohio, three-fourths of all members elected or appointed thereto concurring, that:

**Section 1:** It is declared necessary to improve in the City public places by providing lighting in accordance with Ordinance No. 2005-39 (the "improvement").

**Section 2:** The plans, specifications, profiles (as applicable) and estimate of cost of the improvement, prepared by or at the direction of the City Manager 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, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement. This Council further finds and determines that the public 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.

**Section 4:** The City shall assume and pay as its portion of the cost of the improvement, 10% of the whole cost of the improvement, which exceeds 2% of that whole cost and the cost of intersections, and the balance of the cost of the improvement shall be assessed upon all lots and lands in the City, except for those lots and lands in the City that are owned and/or operated by non-profit entities, which are hereby found and determined to be specifically benefited by the improvement, annually at the rate of 0.104% of the tax value of the property assessed.

**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 including obtaining legal opinions, cost of labor and material, and, if applicable, interest on securities issued in anticipation of the levy 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 money advanced by this City for the cost of that improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

**Section 6:** The City Manager 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 cost of the improvement 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 to be assessed.

**Section 7:** The special assessments to be levied to pay a portion of the costs of the improvement in the years 2017, 2018 and 2019 shall be collected and paid each year over a period of three years, being 2017, 2018 and 2019; provided that the owner of any property assessed may pay the total special assessment for that period within 30 days after passage of the assessing ordinance.


**Section 8:** The City does not presently intend to issue securities in anticipation of the levy and the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of the entire cost of the improvement, after application of the special assessments, shall be paid from other funds available to the City for that purpose.


**Section 9:** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption 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 those formal actions were in meetings open to the public, all in compliance with the law.

**Section 10:** This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this resolution is required to be immediately effective to provide for the provision of the improvement, which is needed to reduce or eliminate hazards to pedestrian and vehicular traffic and to provide safe conditions for use of the public places by the residents of the City and various departments of the City; wherefore, this resolution shall be in full force and effect immediately upon its adoption.

Adopted: October 11, 2016

Attest:

  
Clerk of Council

  
Brad Hartung, Mayor