

COUNCIL CHAMBER
VILLAGE OF KELLEYS ISLAND, OHIO

RESOLUTION NO. 2022 – R - 11

INTRODUCED BY: COUNCILMAN SCOTT STEVENSON

**A RESOLUTION DECLARING IT NECESSARY TO IMPROVE IN THE
VILLAGE OF KELLEYS ISLAND OHIO A CERTAIN ROAD KNOWN AS
LAKE COURT, AND PROVIDING OTHER IMPROVEMENTS INCIDENTAL
THERETO AND
DECLARING AN EMERGENCY.**

WHEREAS, the Village Administration has previously requested the engineering consultant to prepare estimates for the Lake Court tar and chip road project; and

WHEREAS, the Administration and Council believe it is necessary to improve Lake Court.

NOW THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE VILLAGE OF KELLEYS ISLAND, COUNTY OF ERIE AND STATE OF OHIO AS FOLLOWS:

SECTION 1. It is declared necessary to improve Lake Court by constructing tar and chip roads and providing other improvements incidental thereto (collectively, the improvement).

SECTION 2. The plans, specifications, profiles and estimate of cost of the improvement, prepared by the engineering consultant to the Village and now on file in the office of the Clerk/Treasurer are approved. The improvement shall be made in accordance with 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 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.

SECTION 4. The entire cost of the improvement less two percent thereof and the cost of intersections shall be assessed on all lots and lands bounding and abutting on the improvement. These lots and lands are determined to be specifically benefited by the improvement. Those lots and lands to be assessed shall be assessed by the front foot of the property bounding and abutting upon the improvement and those lots and lands are identified in the records of the Erie County Auditors Office by the following permanent parcel numbers which are attached hereto and incorporated herein as if fully rewritten in Exhibit "A".

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 a collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the improvement, cost of labor and material, together with all other necessary expenditures.

SECTION 6. The engineering consultant to the Village is authorized and directed to prepare and file in the office of the Clerk, 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 on file in the office of the Clerk and shall be prepared pursuant to the provisions of this Resolution.

SECTION 7. The special assessments to be levied shall be paid in ten annual installments, with interest on the unpaid principal amount of each special assessment at the rate of interest determined by Council when it passes the assessing ordinance levying those special assessments. However, the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 8. The Village does not intend presently to issue securities in anticipation of (a) the levy of the special assessments or (b) 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 for that purpose, including the principal and interest owing on deferred assessments as and when the same become collectible.

SECTION 9. That it is found and determined that all formal actions of the Council of Kelleys Island concerning and relating to the adoption of this Resolution were adopted in an open meeting of such body, and that all deliberations of the Council of the Village of Kelleys Island and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 10. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and welfare of the inhabitants of the Village of Kelleys Island, and for the further reason that this Resolution is required to be immediately effective in order to provide for the construction and installation of the improvement, which is needed to eliminate potential hazards to the health and property of the residents of the Village, wherefore, this Resolution shall be in full force and effective immediately upon its passage and approval by the Mayor.

DATED THIS 12th DAY OF November, 2022.


MAYOR RONALD E EHRBAR

ATTEST:


LISA M. KLONARIS, Clerk-Treasurer