

# RECORD OF ORDINANCES

Ordinance No. 2009-15 Passed NOVEMBER 17, 2009

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION, REPAIR AND/OR REPLACEMENT OF SIDEWALKS, CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, this Council did on the 4<sup>th</sup> day of August 2009, duly adopt Resolution No. 09-19 declaring the necessity of constructing, repairing, and/or replacing certain designated sidewalks, curbs, and gutters; and

**WHEREAS**, the City of Brookville has subsequently constructed, repaired and/or replaced that portion of such sidewalks, curbs, and gutters which were not constructed, repaired, and/or replaced by the owners of the property abutting therein; and

**WHEREAS**, a list of the estimated assessments of the total cost of said construction, repair, and replacement has been prepared and placed on file in the office of the Clerk of Council; and

**WHEREAS**, no objections to said estimated assessments have been filed;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO:**

**SECTION I:** That the list of estimated assessments of the cost of constructing, repairing, and/or replacing certain sidewalks, curbs, and gutters in the City of Brookville, Ohio, as provided for in said Resolution No. 09-19 heretofore reported to this Council and now on file in the office of the Clerk of this Council and aggregating in the amount of \$37,371.14 be and the same hereby are adopted.

**SECTION II:** That the several amounts of said assessments, as aforesaid be and the same hereby are assessed and levied upon the lots and lands bounding and abutting upon said improvement, unless already paid.

**SECTION III:** That it is hereby determined that said assessments, as aforesaid, do not exceed the special benefits resulting from said improvement and do not exceed any statutory limitation.

**SECTION IV:** That the Clerk of this Council be and hereby is authorized and directed to continue on file in her office a list of said assessments and the description of said lots and land.

**SECTION V:** That the total assessment against each lot and parcel of land shall be payable in cash to the Director of Finance of said City within seventy (70) days after passage of this Ordinance, unless the payment is deferred by agreement with the Director of Finance. All assessments and installments hereof which have not been paid at the expiration of said seventy (70) day period, unless the payment is deferred by agreement with the Finance Director, shall be certified by the Clerk of this Council to the County Auditor to be placed by her on the tax duplicate, as provided by law, and collected in five (5) annual installments with interest at eight percent (8%) per annum plus a collection fee to the County Auditor of five percent (5%).

**SECTION VI:** That the Clerk of this Council be and hereby is authorized and directed to cause notice of the levy of the assessments herein provided for to be filed with the County Auditor within twenty (20) days following the passage of this Ordinance.

**SECTION VII:** This Ordinance is hereby declared to be an emergency ordinance to permit for the timely certification of assessments not paid, to the County Auditor for placement on the tax duplicate for collection and this Ordinance shall take effect and be in full force and effect from and after its passage by a two-thirds majority of Council as provided for in the Charter of the City of Brookville, Ohio.

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Dayton Legal Blank, Inc.

Form No. 30043

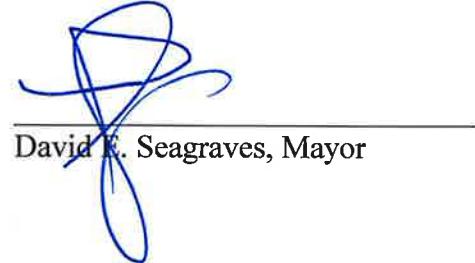
**2009-15**

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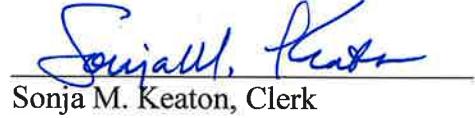
PASSED this 17th day of November 2009.

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2009-15 passed by the Council of the City of Brookville, Ohio, on the 17th day of November 2009.

  
Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2009-15 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 18th day of November 2009 to the 17th day of December 2009, both days inclusive.

  
Sonja M. Keaton, Clerk