No. ORDINANCE 1997-09 Passed OCTOBER 7 19 97

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

WHEREAS, this Council did on the 2nd day of July, 1996, duly adopt Resolution No. 96-13 declaring the necessity of constructing, repairing, and replacing certain designated sidewalks, curbs, and gutters; and

WHEREAS, the Municipality of Brookville has subsequently constructed, repaired and replaced that portion of such sidewalks, curbs, and gutters which were not constructed, repaired, and 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 Municipality of Brookville, Ohio;

SECTION I:

That the list of estimated assessments of the cost of constructing, repairing, and replacing certain sidewalks, curbs, and gutters in the Municipality of Brookville, Ohio, as provided for in said Resolution No. 96-13 heretofore reported to this Council and now on file in the office of the Clerk of this Council and aggregating in the amount of $18,204.00 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 his 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 said Municipality within thirty (30) days after passage of this Ordinance, or, at the option of the property owner assessed, 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%). All assessments and installments hereof which have not been paid at the expiration of said thirty (30) day period shall be certified by the Clerk of this Council to the County Auditor to be placed by him on the tax duplicate and collected, as provided by law.

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 thirty (30) days following the passage of this Ordinance.

SECTION VII:

This Ordinance is hereby declared to be an emergency ordinance for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Municipality of Brookville, Ohio, 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 Municipality of Brookville, Ohio.

PASSED this 7th day of October, 1997.

E. Eugene Roeser, Clerk

Thomas L. Dafler, Mayor

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CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1997-09, passed by the Council of the Municipality of Brookville, Ohio, on the 7th day of October, 1997.

E. Eugene Roeser, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1997-09 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio, on the 10th day of October, 1997 to the 10th day of November, 1997, both days inclusive.

E. Eugene Roeser, Clerk