

RESOLUTION 24-35

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING STREET LIGHTING IMPROVEMENTS IN AND ASSESSING ANNUAL STREET LIGHTING CHARGES UPON LOTS LOCATED WITHIN EVERGREEN TRACE SUBDIVISION IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the City of Brookville City Council (the "Council") has heretofore studied the need to construct street lighting improvements (the "Improvements") to service presently unserved areas in the City of Brookville that are in the process of current or planned development; and

WHEREAS, the proposed Evergreen Trace Subdivision project will be designed to serve the residences to be constructed and located throughout the project area; and

WHEREAS, this Council with and upon recommendation of staff has reviewed and hereby approves the general plans and the detailed plans and specifications required to proceed with the Improvements; and

WHEREAS, this Council has received a duly subscribed and regularly presented request/petition pursuant to Ohio Revised Code Section 727.06 requesting said improvements and including in said request/petition that the annual lighting charge cost of the street lighting improvement be assessed in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district; and

WHEREAS, Council is electing to assess the entire annual lighting charge cost of the street lighting improvement in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: This Council hereby declares it necessary for the preservation and promotion of public health and welfare, for the reasons set forth in the preambles hereof, to enter into an agreement with AES/Miami Valley Lighting LLC for full-service lighting and to assess the accumulated annual charge estimated to be \$993.48 against the lots of Evergreen Trace Subdivision.

SECTION II: The lots or parcels of land to be assessed for the Evergreen Trace Subdivision, Street Lighting Improvement Project are Lots 2813-2846, Evergreen Trace Subdivision, located in City of Brookville, Montgomery County, Ohio, and further described in the attached Petition (Exhibit A) and Subdivision Map (Exhibit B).

SECTION III: The Evergreen Trace Subdivision Street Lighting Improvement Project is estimated to consist of installation and trenching of Five (5) light poles and fixtures at a developer's cost of \$42098.00 and total annual lighting charges for said Five (5) light poles and fixtures of \$993.48 to be assessed as delineated herein with no portion of the improvement to be paid by the City.

SECTION IV: The boundaries of the area to be assessed include all properties with Evergreen Trace Subdivision.

SECTION V: The Improvements are more particularly described and set out in the plans, specifications, estimates of cost, rates, charges and tentative assessments which are on file in the City of Brookville offices, 301 Sycamore St., Brookville, Ohio 45309 where they be examined and which plans, specifications, estimates of costs, rates, charges and tentative assessments are hereby approved.

SECTION VI: The total annual lighting charge is estimated to be \$993.48 and shall be funded as follows:

(a) The portion to be specially assessed to property owners on an annual basis totals \$993.48, being \$29.22 per lot, as adjusted to reflect increases in future years, in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district.

SECTION VII: The City does not intend to issue securities in anticipation of the levy of the assessments. The City does not intend to issue securities in anticipation of collection of the assessments.

SECTION VIII: The estimate of the assessments against each parcel of property subject to assessment shall be prepared and filed in the office of the Clerk of Council and shall be open for inspection during regular business hours.

SECTION IX: Notice of the passage of this Resolution of Necessity and the filing of the estimated assessment pursuant to Ohio Revised Code Section 727.12 shall, after the estimated assessment has been made and filed as provided therein be served by the Clerk of Council, or a person designated by the Clerk of Council, upon the owners of the lots or parcels of lands to be assessed for the Improvements, by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent.

SECTION X: That the owner of any lot or parcel of land who objects to the amount or apportionment of, or the assessment against such lot or parcel as set forth in the estimated

assessment filed under Ohio Revised Code Section 727.12, shall file such objection, in writing, with the Clerk of Council within two weeks from the date of completion of the notice required herein. Such objection shall include the address for mailing of the notice of the creation by the City of an Assessment Equalization Board pursuant to the Ohio Revised Code Section 727.16.

SECTION XI: An owner who fails to file an objection shall be deemed to have waived any objection.

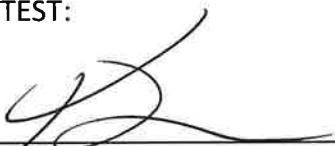
SECTION XII: A copy of this Resolution shall be filed with the Montgomery County Auditor.

SECTION XIII: This Council hereby finds and determines that all formal actions relative to adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council, which result in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION XIV: This Resolution shall take effect upon passage as provided in Section 4.07(A)(2) of the Charter of the City of Brookville.

PASSED this 17th day of December, 2024.

ATTEST:


KIMBERLY DUNCAN, CLERK


CHARLES LETNER, Mayor


CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 24-35, passed by the Council of the City of Brookville, Ohio, on the 17th day of December, 2024.


KIMBERLY DUNCAN, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 24-35 was 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 December, 2024, to the 16th day of January, 2025, both days inclusive.



KIMBERLY DUNCAN, CLERK