

RESOLUTION 25-18

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING STREET LIGHTING IMPROVEMENTS IN AND ASSESSING ANNUAL STREET LIGHTING CHARGES UPON LOTS LOCATED WITHIN MEADOWLARK SUBDIVISION-PHASE ONE 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 Meadowlark Subdivision-Phase One 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 \$816.12 against the lots of Meadowlark Subdivision-Phase One.

SECTION II: The lots or parcels of land to be assessed for the Meadowlark Subdivision Phase One Subdivision, Street Lighting Improvement Project are Lots 2880-2909, Meadowlark Subdivision, Phase One, as recorded in Plat Book 246, Page 37, located in City of Brookville, Montgomery County, Ohio, and further described in the Lighting Assessment Petition attached hereto.

SECTION III: The Meadowlark Phase One Subdivision Street Lighting Improvement Project is estimated to consist of installation and trenching of Four (4) light poles and fixtures at a developer's cost of \$43865.00 and total annual lighting charges for said Four (4) light poles and fixtures of \$816.12 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 within the Meadowlark Subdivision Phase One.

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 \$816.12 and shall be funded as follows:

(a) The portion to be specially assessed to property owners on an annual basis totals \$816.12, being \$28.12 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.

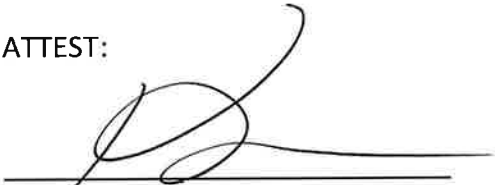
SECTION XII: A copy of this Resolution shall be filed with the Montgomery County Auditor.

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 6th day of January, 2026.

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. 25-18, passed by the Council of the City of Brookville, Ohio, on the 6th day of January, 2026.


KIMBERLY DUNCAN, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 25-18 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 7th day of January, 2026, to the 5th day of February, 2026, both days inclusive.



KIMBERLY DUNCAN, CLERK

**LIGHTING ASSESSMENT PETITION
MEADOWLARK SUBDIVISION-PHASE ONE
CITY OF BROOKVILLE, OHIO**

TO: THE CITY COUNCIL OF THE CITY OF BROOKVILLE, OHIO

1. We, the undersigned owners of seventy-five (75%) percent or more of the parcels that abut the street or streets on which lighting improvements are being requested, do hereby petition the City Council for the following public improvement:

Installation and maintenance of streetlights for the purpose of making our community more desirable, with such streetlights to be supplied power through a contract that will be funded with monies from the assessment:

Description: Meadowlark Lane and Chirpwell Drive, as described in Meadowlark Subdivision-Phase One. A copy of Meadowlark Subdivision, Phase One is attached hereto as Exhibit A, and incorporated herein by reference.

Number of Affected Parcels: The current number of affected parcels is 30. The lot numbers and addresses are listed in Exhibit "B" attached hereto and incorporated herein by reference.

2. We, the undersigned, request that the entire cost of the lighting improvements be assessed equally amongst all abutting property owners as, regardless of the size of the individual lots, each property owner will equally benefit from the safety and aesthetic enhancement provided by streetlights.

3. We, and each of us, further acknowledge and agree, in consideration of the installation and maintenance of the street light improvement, that no property, other than that which abuts the above described streets, will receive special benefits from the improvements, and request that all assessments be limited to the parcels or lots that abut the street on which the improvement will be made.

4. In consideration of the improvement, we and each of us, agree to promptly pay all special assessments as they become due and that the determination of the special assessments by the Council against lots and lands owned by each of the undersigned will be final, conclusive and binding upon each of us.

5. We and each of us, consent and request that these special assessments be levied and collected without limitation as to the value of the property assessed, and waive the following:

(a) Any and all rights, benefits, and privileges specified by Sections 723.03 and 727.06 of the Ohio Revised Code, or by any other provision, restricting these special assessments to thirty three and one-third percent (33 1/3%) of the actual improved value of the lots and lands as enhanced by the improvements to be made;

(b) Any and all resolutions, ordinances and notices required for the making of the improvement, including the notice of the adoption of the resolution of necessity and the filing of estimated special assessments, the equalization of the estimated special assessments, any increase in the cost of labor and materials over the estimated costs and the passage of the assessing ordinance, including, but not limited to, the notices authorized and required by Sections 727.13, 727.16, 727.17, 727.24, and 727.26 of the Revised Code; and

(c) Any and all irregularities and defects in the proceedings.

6. We agree and consent to the submittal of petitions executed in duplicate counterparts all of which shall be considered as a single petition.

7. We, and each of us, further consent and request that all legislation required to be enacted to permit the improvements to commence immediately be enacted at a single Council meeting,

Collection and Submission of Signatures: In order for City Council to consider the petition, all petitioners must provide their name, address, and signature, along with the parcel number(s) or city lot numbers of their property. Each owner of a particular property must sign in order for that parcel or lot to be included in the 75% calculation.

<u>Name(s)</u>	<u>Address of Property</u>	<u>Parcel or Lot Numbers</u>
GRAND COMMUNITIES, LLC.	See Exhibit B with addresses and Lot Numbers.	

We are petitioning for all lots within Meadowlark Subdivision-Phase One to be included within the street lighting district.

SIGNATURE:
GRAND COMMUNITIES, LLC:

BY: Michael Kady

ITS: Michael Kady, President