

EMERGENCY ORDINANCE NO. 2018-19

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, INSTALLATION, EQUIPPING, AND IMPROVEMENT OF PUBLIC IMPROVEMENTS AND DECLARING AN EMERGENCY.

WHEREAS, this Council previously adopted Resolution No. 51-2018 (the “Resolution of Necessity”) on August 28, 2018, which declared the necessity of acquiring, constructing, installing, equipping, and improving public roads, sewers, drains, water pipes, together with the facilities and appurtenances necessary and proper therefor, all as shown on the Plans and Specifications on file in the office of the Clerk of Council (the “Improvements”); and

WHEREAS, the Resolution of Necessity declared the necessity of levying Special Assessments on the Parcels in proportion to the special benefits conferred upon such Parcels from the Improvements in order to pay for costs and expenses of the Improvements; and

WHEREAS, notice of the adoption of the Resolution of Necessity and the filing of the estimated Special Assessments, as provided in Section 727.13 of the Ohio Revised Code, was waived by one hundred percent (100%) of the Owners; and

WHEREAS, the claims for damages alleged to result from, and objections to, the Improvements have been waived by one hundred percent (100%) of the Owners, and no claims for damages alleged to result from, or objections to, the Improvements have been filed within the times prescribed by Sections 727.15 and 727.18 of the Ohio Revised Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1. Capitalized terms not otherwise defined in this Ordinance shall have the meaning assigned to each such term in the Petition attached as Appendix A to the Resolution of Necessity.

SECTION 2. This Council is determined to proceed with the acquisition, construction, installation, equipping, and improving of the Improvements in accordance with the Resolution of Necessity and the Plans and Specifications.

SECTION 3. Any claims for damages resulting from the Improvements that have been legally filed shall be inquired into after completion of the Improvements, and the Law Director is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into such claims in accordance with all legal requirements.

SECTION 4. The estimated Special Assessments to be assessed in accordance with the Resolution of Necessity are hereby adopted, and such Special Assessments shall be assessed in the manner set forth in the Resolution of Necessity in proportion to the special

benefits conferred upon the Parcels from the Improvements and in accordance with the Petition.

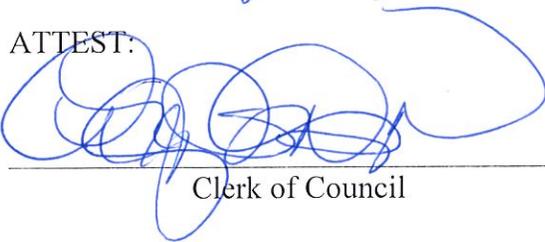
SECTION 5. In accordance with Section 319.61 of the Ohio Revised Code, the Clerk of Council is authorized and directed to deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

SECTION 6. The City is authorized to enter into a Development Agreement with the owner or developers of the Parcels (the "Development Agreement") and a Cooperative Agreement with the Warren County Port Authority (the "Cooperative Agreement"), each in substantially the form on file with the Clerk of this Council, together with such changes that are not substantially adverse to the City, and such other agreements, certificates, and documents as the Mayor, the City Manager, the Law Director, the Director of Finance, or other appropriate officer may deem necessary or appropriate in order to provide the Improvements, and that the Mayor, the City Manager, the Law Director, the Director of Finance, or other appropriate officer of the City, or any of them is authorized to execute, on the City's behalf, such agreements and to take any other actions as may be appropriate to implement this Ordinance.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any 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 8. Pursuant to Section 7.08 of the Charter, this Ordinance provides for improvements petitioned for by the owners of the requisite majority of the area of the property benefited and to be especially assessed therefor. Accordingly, this Ordinance shall take effect immediately upon its passage.

PASSED: August 28, 2019

ATTEST: 
Clerk of Council

APPROVED: 
Mayor

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.


Clerk of Council
City of Monroe, Ohio