

RESOLUTION NO.: 2019-R51
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: JUNE 11, 2019 **ASSIGNED TO:** _____

A RESOLUTION DECLARING THE NECESSITY TO MAKE IMPROVEMENTS TO THE STREET LIGHTING SYSTEM FOR MAYFAIR EAST SUBDIVISION PHASES ONE, TWO, AND THREE, ASSESSING THE COST OF THE IMPROVEMENTS TO THE PROPERTY OWNERS WITHIN THE SUBDIVISION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Green has received a petition to create a street lighting district from the property owners of Mayfair East Subdivision Phases 1, 2, and 3; and

WHEREAS, the City has provided electrical engineering support and has provided to the representative of the Mayfair East Home Owners Association “(HOA)”, the proposed improvements inclusive of thirty-three (33) new poles, thirty-three (33) new LED streetlights, and related items to deliver the proposed improvements; and

WHEREAS, the HOA shall continue to be responsible for operation and maintenance of the streetlights and the costs associated with operating and maintaining inclusive of the monthly operating cost; and

WHEREAS, the City has provided to the Clerk of Council the attached estimate, and specifications for the work to be performed in accordance with ORC 727.12; and

WHEREAS, the ORC 727.12 requires approval of this Resolution of Necessity by three-fourths (3/4ths) of the members of City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council finds and determines that there is a public necessity to make improvements to the street lighting system in Mayfair East Subdivision Phases One, Two and Three, the details of those improvements including cost estimates, plans and specifications are on file with the Clerk of Council,) a copy of which is attached hereto and incorporated herein as Exhibit “A”. City Council further finds that:

- a.) A parcel of land identified as a subplot of Mayfair East Subdivision Phases One, Two and Three shall be assessed.
- b.) Green City Council approves of the cost estimate, plans and specifications of the proposed improvements on file with the Clerk of Council.
- c.) One Hundred Percent (100%) of the cost to replace the poles, provide the fixtures, install concrete base and related electrical equipment shall be paid by special assessments to be placed on the eighty-nine (89) parcels as noted on the plat. All common space parcels shall be exempt from the assessment.

- d.) The street lighting district assessment shall be levied equally to the ninety-five (95) parcels as noted on Exhibit “B”, a copy of which is attached.
- e.) The method of payment shall be by special assessment for a period of five (5) years.
- f.) The City does not intend to issue securities in anticipation of the levy of the special assessment and does not intend to issue securities in anticipation of the collection of the special assessments.
- g.) A chart of the estimated assessments in accordance with the method of assessment has been filed with the Clerk of Council as Exhibit “C”, a copy of which is attached.

SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:

Green City Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason that it is necessary for the construction to move forward immediately. Provided that this legislation receives the affirmative vote of three-fourths ($\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: _____

Molly Kapeluck, Clerk of Council

Bob Young, Council President

APPROVED: _____, 2019

Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: _____, 2019

ON ROLL CALL:	Babbitt	Dyer	Humphrey	Shaughnessy
	Speight	Yeargin	Young	

Page 3
Resolution 2019-R51

Suburbanite publication on _____ and _____

Molly Kapeluck, Clerk

06/06/2019 Approved as to form and content by William G. Chris, Director of Law, Interim _____