

RESOLUTION 2011-69

A RESOLUTION DECLARING THE
NECESSITY OF CONSTRUCTING
CERTAIN STREET, SIDEWALK,
CURB AND GUTTER IMPROVEMENTS IN
THE CITY OF WAPAKONETA, OHIO
(EAST BENTON STREET, WATER ST TO RR)

FIRST READ	SECOND READ	THIRD READ				
10-28-11	1-9-2011	1-28-2011	✓			
			NEUMEIER			
			LEE			
			WURST			
			GRAF			
			WURST S/DOLL			
			WALTER			
			FINKELMEIER			
			TOTAL			
			6			
			1			

WHEREAS, pursuant to and in accordance with the Ohio Revised Code, Chapter 727, it is hereby recognized that this Council has heretofore proposed the necessity of constructing certain street, sidewalk, curb, and gutter improvements in the City (hereinafter referred to as the "Improvements") to be paid for in part by special assessments:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wapakoneta (hereinafter referred to as the "City"), County of Auglaize, Ohio, three-fourths of all members elected thereto concurring:

SECTION 1. That it is hereby declared necessary to improve E Benton Street (Water St to RR) by constructing and/or reconstructing certain street, sidewalks, curbs, and gutters on said street, all as more fully described in the plans, profiles, specifications, estimate of costs, tentative assessments and City's portion of the cost of making said improvements, on file with the Clerk of Council, and open to the inspection of all persons interested.

SECTION 2. That it is hereby determined that said streets, alleys, easements, or other public places, or parts thereof, to be improved by the construction of the Improvements are so situated in relation to each other that in order to complete the Improvements thereof in the most practical and economical manner they should be improved at the same time, with the same kind of material, and in the same manner; and that said streets, alleys, easements, or other public places, or parts thereof, shall be treated as a single improvement, pursuant to section 727.09 of the Ohio Revised Code.

SECTION 3. That it is hereby determined and declared that the Improvements are conducive to the public peace, health, safety and welfare of the City and the inhabitants thereof.

SECTION 4. That the plans, specifications, profiles and estimate of costs of the Improvements now on file with Clerk of Council are hereby approved.

SECTION 5. That a portion of the cost of the Improvements shall be paid by special assessments; provided, however, that at least (a) one-fiftieth (1/50th) of the total cost of the improvements, (b) the cost of intersections, and (c) fifty per centum (50%) of the cost of acquiring by appropriation real estate or any interest therein, shall be paid for by the City, pursuant to Sections 727.05 and 727.08 of the Ohio Revised Code.

SECTION 6. That the method of levying said special assessments shall be by the front foot of the property bounding and abutting upon the Improvement, as to the curb and gutter portion of the Improvements; and in proportion to the benefits resulting from the improvement, which benefit shall be measured by the cost per square foot (as constructed), as to the sidewalk and drive approach portions of the Improvements.

SECTION 7. That the lots or parcels of land to be assessed for the Improvements shall include all lots and lands described in Exhibit "A", attached hereto and made a part hereof, all of which said lots and lands are hereby determined to be specially benefited by the Improvements.

SECTION 8. That the cost of the Improvements to be paid for directly or indirectly, in whole or in part, by funds derived from special assessments may include but is not limited to: (a) the purchase price of real estate or any interest therein when acquired by purchase, or not more than fifty per centum (50%) of the cost of acquiring such real estate or any interest therein when acquired by appropriation; (b) the cost of preliminary and other surveys; (c) the cost of preparing plans, specifications, profiles, and estimates; (d) the cost of printing, serving, and publishing notices, resolutions, and ordinances; (e) the cost of all special proceedings; (f) the cost of labor and materials, whether furnished by contract of otherwise; (g) interest on bonds or notes issued in anticipation of the levy and collection of the special assessments; (h) the total amount of damages, resulting from the Improvements, assessed in favor of any owner of lands affected by the Improvements and interest thereon; (i) the cost incurred in connection with the preparation, levy, and collection of the special assessments, including legal expenses incurred by reason of the Improvements; and (j) incidental costs directly connected with the Improvements.

SECTION 9. That the assessments to be levied shall be paid in seven (7) annual or fourteen (14) semi-annual installments, with interest on the deferred payments at the same rate and for the same period as the bonds to be issued in anticipation of the collection thereof; provided, that the owner of any property assessed may, at his option, pay such assessment in cash within thirty (30) days after the first publication of the notice of the assessment ordinance.

SECTION 10. That bonds of the City shall be issued in anticipation of the collection of special assessments by installments and in an amount equal thereto and notes of the City shall be issued in anticipation of the issuance of such bonds and levy such assessments.

SECTION 11. That the remainder of the entire cost of the Improvements, after application of the assessments herein provided, shall be paid by the issuance of bonds of the City in the manner provided by law of from funds available to the City for this purpose.

SECTION 12. That the Safety-Service Director be and is hereby authorized and directed to cause to be prepared and filed in the office of the Clerk of Council the estimated assessments of the cost of the Improvements in accordance with the method of assessment set forth in this resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION 13. That upon the filing of the tentative assessments with the Clerk of Council, notice of the adoption of this resolution and the filing of the estimated assessments shall be served upon the owners of the lots or parcels of land to be assessed for the Improvements, as provided in Section 727.13 of the Ohio Revised Code.

SECTION 14. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in 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.

Attest:

Carolene S. Koch
Clerk of Council

Bonnie C. Whurst
President of Council - PROTEM

Approved:

Rocky W.
Mayor

Passed this 23rd day of
January, 2012

Approved as to form:

[Signature]
City Law Director

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE/RESOLUTION WAS PUBLISHED IN THE WPAKONETA DAILY NEWS, A
NEWSPAPER OF GENERAL CIRCULATION IN AUGLAIZE COUNTY, OHIO AND APPEARED IN ITS ISSUES OF 1-26-2012
AND 2-2-2012.

Carolene S. Koch
CLERK OF COUNCIL

EAST BENTON STREET RECONSTRUCTION: WATER S. LEFT TO RAILROAD

Preliminary Assessments

NAME	ADDRESS	MAILING ADD	PARCEL #	FRONTAGE +/-	LN.FT.CURB @	SQ FT 4"	SIDEWALK	SQ FT	SQ FT 6"	DRIVE	APPROACH @	SQ FT DRIVE
Jeffrey Metzger	311 Park St		B0708406700	\$ 2,574.00	143	715	\$ 3,932.50	140	\$			910.00
Dale Boyer	9 E Benton St	6792 Birch Rd Versailles 45380	B0708406800	\$ 900.00	50	250	\$ 1,375.00		\$			-
Dale Boyer	9 E Benton St	6792 Birch Rd Versailles 45380	B0700305100	\$ 1,566.00	87	435	\$ 2,392.50		\$			-
Richard & Carol Presar	101 E Benton St	11937 CR 33W	B0705000300	\$ 738.00	41	205	\$ 1,127.50		\$			-
James & Deborah Halter	102 E Benton St	102 E Benton St #2	B0700805400	\$ 1,350.00	75	375	\$ 2,062.50		\$			-
Thomas Matthew	103 E Benton St		B0705000400	\$ 756.00	42	210	\$ 1,155.00		\$			-
Jammie & Merita Roop	105 E Benton St		B0705000500	\$ 756.00	42	210	\$ 1,155.00		\$			-
Jane Hindenlang Etal	106 E Benton St	1533 Navajo Tr Xenia 45385	B0700805300	\$ 1,350.00	75	375	\$ 2,062.50		\$			-
Janelle Hoyer & Jeremy Ward	107 E Benton St		B0705000600	\$ 900.00	50	250	\$ 1,375.00		\$			-
Ed Lettie Realty	108 E Benton St	9300 Country Club Rd Piqua 45356	B0700805200	\$ 900.00	50	250	\$ 1,375.00		\$			-
Greg Mescher & Julie Seals	109 E Benton St		B0784101800	\$ 1,350.00	75	375	\$ 2,062.50		\$			-
Scott Wreede	110 E Benton St		B0700805100	\$ 900.00	50	250	\$ 1,375.00		\$			-
Kay Goodwin	111 E Benton St		B0784101700	\$ 1,350.00	75	375	\$ 2,062.50		\$			-
Dan Hickman	112 E Benton St		B0700805000	\$ 900.00	50	250	\$ 1,375.00		\$			-
Kenneth Vaughn Jr & Lindsey Staley	201 E Benton St		B0784101300	\$ 1,080.00	60	300	\$ 1,650.00		\$			-
Corte & Tod Lange	202 E Benton St		B0700804900	\$ 900.00	50	250	\$ 1,375.00		\$			-
Bethany Tilton	204 E Benton St		B0700804700	\$ 900.00	50	250	\$ 1,375.00		\$			-
Michael & Bonnie Wurst	205 E Benton St		B0784101100	\$ 1,350.00	75	375	\$ 2,062.50		\$			-
Michael & Bonnie Wurst	0 E Benton St	205 E Benton St	B0784104800	\$ 900.00	50	250	\$ 1,375.00	170	\$			1,105.00
Michael & Bonnie Wurst	0 E Benton St	205 E Benton St	B0784101200	\$ 450.00	25	125	\$ 687.50		\$			-
Ethel & Erwin Cooper	206 E Benton St		B0700804600	\$ 900.00	50	250	\$ 1,375.00		\$			-
Michael Muns	208 E Benton St	4828 Loop Central Dr Houston Tx 77081	B0700804500	\$ 900.00	50	250	\$ 1,375.00		\$			-
Douglas & Brenda Bradford	209 E Benton St		B0784104700	\$ 990.00	55	275	\$ 1,512.50	170	\$			1,105.00
Eric & Jennifer Kent	210 E Benton St	15971 Sidney St 45895	B0700804400	\$ 450.00	25	125	\$ 687.50		\$			-
Michael D Moore	211 E Benton St		B0784104500	\$ 900.00	50	250	\$ 1,375.00		\$			-
Jeffrey Moening	212 E Benton St		B0700804300	\$ 1,350.00	75	375	\$ 2,062.50		\$			-
Joseph Sehic	213 E Benton St		B0784104600	\$ 1,350.00	75	375	\$ 2,062.50		\$			-
Mark & Deborah Crabree	214 E Benton St		B0701502700	\$ 1,170.00	65	325	\$ 1,787.50		\$			-
Scott Hitepole	217 E Benton St	311 E Mechanic St	B0704503600	\$ 1,008.00	56	280	\$ 1,540.00		\$			-

SQ FT
SIDEWALK @
SQ FT 4"
SIDEWALK @
SQ FT 6"
DRIVE
APPROACH @
SQ FT DRIVE

LN.FT.CURB @
FRONTAGE +/-
\$18.00 ln ft
SIDEWALK
SQ FT 4"
SIDEWALK @
SQ FT

SQ FT
SIDEWALK @
SQ FT 4"
SIDEWALK @
SQ FT 6"
DRIVE
APPROACH @
SQ FT DRIVE

Preliminary Assessments

Technology Assessments									
NAME	ADDRESS	MAILING ADD	PARCEL #	FRONTAGE +/-	LN.FT.CURB @	SQ FT 4"	SIDEWALK @	SQ FT	SQ FT 6"
				\$18.00 in ft		SIDEWALK	\$5.50 SQ FT	SQ FT	SQ FT DRIVE
							APPROACH	\$6.5 SQ FT	APPROACH @
Thomas & Rebecca Mosler	302 E Benton St		B0701502600	50	\$	250	\$	1,375.00	\$
Stephen & Pamela Miner	304 E Benton St		B0701502500	50	\$	250	\$	1,375.00	\$
Judy Workman	305 E Benton St		B0704500300	100	\$	500	\$	2,750.00	\$
Judy Workman	0 E Benton St	305 E Benton St	B0704500200	50	\$	250	\$	1,375.00	\$
Danny Johnson Jr	306 E Benton St		B0701502400	50	\$	250	\$	1,375.00	\$
Sherry Fiedler	308 E Benton St		B0701502300	50	\$	250	\$	1,375.00	\$
Brett Bowsheer	309 E Benton St	910 Daisy 45895	B0704500100	50	\$	250	\$	1,375.00	\$
Jerry & Cynthia Meyers	310 E Benton St		B0701502200	50	\$	250	\$	1,375.00	\$
Rick Klopfenstein	311 E Benton St		B0784106100	50	\$	250	\$	1,375.00	\$
Kelly Tussing	312 E Benton St		B0701502100	50	\$	250	\$	1,375.00	\$
				140	\$	2,520.00	\$	-	\$
					\$	-	\$	-	\$
					\$	-	\$	-	\$
Total									