

ORDINANCE NO.: 8-2011  
INTRODUCED BY: Alexander

**AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PROPERTIES IN THE CITY OF RICHMOND HEIGHTS BY CONSTRUCTING PUBLIC SIDEWALKS, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, IN CERTAIN DESIGNATED LOCATIONS IN THE HIGHLAND ROAD, RICHMOND ROAD, AND CHARDONVIEW DRIVE VICINITIES; AND DECLARING AN EMERGENCY.**

WHEREAS, this Council adopted Resolution No. 3-2011 on February 8, 2011 declaring the necessity of making the improvement described in Section 1 of that Resolution; and

WHEREAS, pursuant to law, notices of passage of Resolution 3-2011 and the estimated assessments for each affected property were duly served upon each property owner, and no timely objections to the estimated assessments were served upon the Clerk of Council;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: It is determined to proceed with the improvement of the properties described in Sections 1 and 4 of Resolution No. 3-2011, adopted on February 8, 2011, by the installation of the following public sidewalks, together with all necessary appurtenances thereto, in:

The north side of Highland Road from Richmond Road easterly approximately 2,600 feet to the Highland Heights westerly corporation line, but excepting therefrom those areas with existing concrete sidewalks; the east side of Richmond Road from A.E.C. Parkway (formerly Swetland Court) northerly approximately 2,000 feet to Chardonview Drive, but excepting therefrom those areas with existing concrete sidewalks; and the easterly side of Chardonview Drive from Richmond Road northerly approximately 1,300 feet to Brushview Drive, but excepting therefrom those areas with the existing concrete sidewalks.

(Hereinafter referred to as the "Improvement".)

Section 2: The Improvement shall be made in accordance with the provisions of Resolution No. 3-2011, and with the plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.

Section 3: All claims for damages resulting from the Improvement that have been legally filed shall be inquired into after completion of the Improvement, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

Section 4: The portion of the cost of the Improvement to be assessed in accordance with Resolution No. 3-2011 shall be assessed in the manner and pursuant to the payment schedule set forth, and on the lots and lands described, in that Resolution.

Section 5: The estimated special assessments previously prepared and filed in the office of the Clerk of Council are adopted.

Section 6: The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

Section 7: Subject to the provisions of Section 727.24 of the Revised Code, the Mayor is authorized and directed, as soon as the funds are available, to make and sign a contract for the Improvement with the lowest and best bidder after advertising according to law, and the Improvement shall be financed as provided in Resolution No. 3-2011.

Section 8: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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.

Section 9: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City and for the further reason that this Ordinance is required to be immediately effective to provide for the construction of the Improvement, which is needed to eliminate existing and potential hazards to the health and safety of the owners of the property to be assessed and the pedestrians and motorists in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

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Daniel J. Ursu, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Betsy Traben  
Clerk of Council

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David H. Roche  
President of Council