

RESOLUTION NO. 61-2010
INTRODUCED BY: ALEXANDER

**A RESOLUTION ACCEPTING AN IMPROVEMENT PETITION FOR
INSTALLATION OF A PUBLIC SANITARY SEWER AND WATER LINE
TO SERVE HILLTOP ROAD.**

BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. This Council accepts an Improvement Petition for a water line in Hilltop Road ("Improvement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

Section 2. The City Engineer is authorized and directed to have plans, specifications and estimate of costs of the Improvement prepared.

Section 3. This Resolution shall take effect and be in force from and after its passage and signature by the Major.

PASSED: _____, 2010

Daniel J. Ursu, Mayor

APPROVED: _____, 2010

ATTEST: _____
Betsy Traben
Clerk of Council

David H. Roche
President of Council

EXHIBIT A TO RESOLUTION NO. 61-2010

IMPROVEMENT PETITION

TO THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, STATE OF OHIO:

We, the undersigned, being the legal owners of record of the properties that are set forth opposite our names below (“Properties”), which comprise one hundred (100%) of the area to be assessed for the public improvements set forth herein, do hereby respectfully petition the Council of the City of Richmond Heights for public improvements in the City of Richmond Heights by constructing a water main and sanitary sewer facilities, together with necessary appurtenances thereto (the “Public Improvements”), which will be accessible for connection to certain properties, including the Properties set forth herein, along Hilltop Road in order to provide such utility services to the properties.

The undersigned, each of them, agree to contribute to the cost of the Public Improvements and consent and request that they each be assessed the lesser of the following as their contribution: Forty Thousand Dollars (\$40,000.00) or one-fourth (1/4th) of the final total costs of the Public Improvements, together with any and all costs assessed by Cuyahoga County for the administration of the assessment, in accordance with the benefits upon the lots and lands benefited by the Public Improvements, all of which properties the undersigned, and each of them, hereby acknowledge will be specially benefited by the said Public Improvements. The assessments proposed to be levied against the undersigned will be payable in equal semi-annual installments over a period of five (5) years with no interest.

The undersigned, each of them, further consent and request that the said assessments be levied and collected without limitation as to the value of the property assessed hereunder and waive all rights, benefits or privileges fixed by Ohio Revised Code Sections 727.03 and 727.06,

or any other section thereof restricting assessments to thirty-three and one-third percent (33-1/3%) of the actual improved value of said properties as enhanced by the Public Improvements to be made, and waive all benefits of Ohio Revised Code Section 727.04 or of any other section thereof limiting assessments for reimprovements where an assessment has been levied and paid previously.

The undersigned, and each of them, further waive any damages or claims for damages of whatsoever kind, character or description growing out of or resulting from said Public Improvement, or the making thereof, including, but not by way of limitation, all rights, benefits and privileges which are fixed by Ohio Revised Code Sections 727.18 to 727.22, inclusive, Ohio Revised Code Section 727.43.

The undersigned, and each of them, further waive all resolutions, ordinances and notices required for the making of said Public Improvements, including the notice of adoption of the resolution of necessary assessments, the increase in the cost of labor and materials over the estimated costs thereof and the passage of the assessing ordinance or ordinances, including, but not by way of limitation, such notices as are authorized and required by Ohio Revised Code Sections 727.13, 727.16, 727.17, 727.24 and 727.26.

The undersigned, and each of them, further waive any and all irregularities and defects in all proceedings pertaining to said Public Improvements and agree that the terms of this Petition shall be binding upon their respective heirs, successors and assigns.

The undersigned persons, who are owners of parcels of land to be assessed or who have dower interest in any of said parcels, do hereby consent and request that their individual parcels be assessed as set forth above and do consent and agree that their individual parcels shall be subject to the terms of this Petition in all respects:

Permanent Parcel No.

Name

662-03-003

EVENHUIS PROPERTIES, L.L.C.,
a Florida limited liability company

By: _____

Its: _____

Date: _____

662-03-004

ERIC J. UCHBAR

Date: _____