

VILLAGE OF HAMERSVILLE, OHIO

RESOLUTION NO. 1997-14

**A RESOLUTION DECLARING THE NECESSITY OF
CONSTRUCTING A SEWER COLLECTION SYSTEM,
PUMP STATION AND FORCE MAIN IN THE
VILLAGE OF HAMERSVILLE, OHIO
AND DECLARING AN EMERGENCY.**

WHEREAS, this council has heretofore proposed the necessity of (i) the installation of a sanitary sewer collection system consisting of approximately 25,400 linear feet of pipe and approximately 165 grinder pumps and associated restoration and work, (ii) the construction of a pump station, and (iii) the installation of approximately 42,000 linear feet of force main to transport the sewage to the Mt. Orab Wastewater Treatment Plant and associated restoration (herein the "Improvements") to be paid for in part by special assessments; and

WHEREAS, plans, specifications and profiles of the Improvements, showing the proposed grade of the street and Improvements after completion with reference to property abutting thereon, and an estimate of the cost of the Improvements have been prepared and are filed in the office of the clerk of council and are open to the inspection of all persons interested; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Hamersville (hereinafter the "Village"), County of Brown, Ohio, three-fourths of all members elected thereto concurring;

SECTION 1. That it is necessary to make sewer improvements in the Village by (i) installing a sanitary sewer collection system consisting of approximately 25,400 linear feet of pipe and approximately 165 grinder pumps and associated restoration and work, (ii) constructing a pump station, and (iii) installing approximately 42,000 linear feet of force main to transport the sewage to the Mt. Orab Wastewater Treatment Plant and associated restoration as shown on the plans, specifications and profiles of the Improvements, referred to in the Preambles hereof. The sewer collection system will be installed on the property and the parcels of land to be assessed, as set forth on Exhibit A attached hereto and made a part hereof.

SECTION 2. That it is hereby determined and declared that the Improvements are conducive to the public peace, health, safety and welfare of the Village and the inhabitants thereof.

SECTION 3. That the plans, specifications, profiles and estimate of cost of the Improvements are hereby approved.

SECTION 4. That of the total estimated cost of the Improvements, including the costs of issuing debt to finance the cost of the Improvements, of \$1,850,000, approximately \$500,000 will be paid from the proceeds of a State of Ohio Issue II grant, approximately \$400,000 will be paid from the proceeds of the Village's sewer system mortgage revenue bonds, which will be paid from the payments paid by Western Brown Local School District pursuant to the provisions of an installment sale agreement, approximately \$350,000 will be paid by special assessments paid by residential and commercial customers or debt issued in anticipation of the levy and collection of such special assessments, approximately \$215,000 will be paid from prepaid tap fees from residential and commercial users, and approximately \$385,000 will be paid from the proceeds of the Village's sewer system mortgage revenue bonds, which will be paid from the payments made by residential and commercial users of the system.

SECTION 5. That the method of levying said special assessments shall be in proportion to the benefit to be received and shall be as follows: \$3,000 per residential customer and \$5,000 per commercial customer; provided that any customer who pays his, her or its special assessment in full prior to June 30, 1997 shall receive a \$500 discount on the amount of his, her or its assessment, i.e., \$2,500 per residential customer and \$4,500 per commercial customer. In addition, Western Brown Local School District shall be assessed \$400,000.

SECTION 6. 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 7. That the cost of the Improvements to be paid for directly or indirectly, 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 material, whether furnished by contract or 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 3. That the plans, specifications, profiles and estimate of cost of the Improvements are hereby approved.

SECTION 4. That of the total estimated cost of the Improvements, including the costs of issuing debt to finance the cost of the Improvements, of \$1,850,000, approximately \$500,000 will be paid from the proceeds of a State of Ohio Issue II grant, approximately \$400,000 will be paid from the proceeds of the Village's sewer system mortgage revenue bonds, which will be paid from the payments paid by Western Brown Local School District pursuant to the provisions of an installment sale agreement, approximately \$350,000 will be paid by special assessments paid by residential and commercial customers or debt issued in anticipation of the levy and collection of such special assessments, approximately \$215,000 will be paid from prepaid tap fees from residential and commercial users, and approximately \$385,000 will be paid from the proceeds of the Village's sewer system mortgage revenue bonds, which will be paid from the payments made by residential and commercial users of the system.

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SECTION 8. That the assessments to be levied shall be paid in forty (40) semi-annual deferred payments 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, her or its option, pay such assessment in cash within 30 days after the first publication of the notice of the assessment ordinance.

SECTION 9. That bonds of the Village shall be issued in anticipation of the collection of special assessments by installments and in an amount equal thereto and notes of the Village shall be issued in anticipation of the issuance of such bonds and the levy of such assessments.

SECTION 10. 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 Village in the manner provided by law or from funds available to the Village for this purpose.

SECTION 11. That the clerk of council has caused to be prepared and filed in the office of said 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 12. 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.

SECTION 13. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Village, and for the further reason that the immediate construction of the Improvements are necessary to protect the health of the inhabitants of the Village; therefore, this resolution shall be in full force and effect from and immediately after its adoption.

ADOPTED May 9, 1997.

MAYOR Duane C. Hill
Presiding Officer

Attest:

Martha Jones
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of a resolution adopted on the 9 day of May, 1997.

Martha Jones
Clerk of Council