

**RESOLUTION RECORD**  
**COUNCIL OF THE CITY OF BRECKSVILLE**

5264

Resolution No. \_\_\_\_\_

**A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN  
LANDS IN THE CITY BY CONSTRUCTING AN 8" SANITARY SEWER AND  
6" SANITARY SEWER LATERALS TOGETHER WITH ALL NECESSARY  
APPURTENANCES FOR THE CHIPPEWA ROAD & CALVIN DRIVE  
SANITARY SEWER PROJECT; AND DECLARING  
AN EMERGENCY**

WHEREAS, Council has previously authorized and requested the City Engineer to prepare plans and an estimate of cost for the Improvement described in Section 1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** It is declared necessary to improve certain lands in the City by constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station.

**SECTION 2.** The plans, specifications, profiles and estimate of cost of the Improvement, prepared by the City Engineer and now on file in the office of the Clerk of Council, are approved. The Improvement shall be made in accordance with, and the grade of the Improvement and any street shall be the grade as shown on, the plans, specifications and profiles for the Improvement.

**SECTION 3.** The Council finds and determines that (i) the Improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefitted by the Improvement.

**SECTION 4.** The City shall first apply the following grants to fund the cost of the Improvement: (i) the proceeds of a NEORS D MCIP grant now estimated in the maximum amount of \$1,500,000, (ii) the proceeds of the Cuyahoga County Department of Public Works for the elimination of the Glen Valley Pump Station now estimated in the maximum amount of \$300,000, (iii) the proceeds of the Cuyahoga County Department of Public Works for the replacement of Storm Sewers within the project limits now estimated in the maximum amount of \$2,257,825. The remaining cost of the Improvement (after the application of the above-listed grants), less the costs of the Improvement determined by this Council to be assumed by the City (which costs are estimated to be \$250,925.00 and are determined to be in excess of 2% of that whole cost and the cost of intersections, if any), is estimated to be \$1,087,500. Such amount shall be assessed in proportion to the benefits that may result from the Improvement upon the lots and lands bounding and abutting on the Improvement identified in Exhibit A hereto.

**SECTION 5.** The cost of the Improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the Improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the Improvement, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and

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collection of the special assessments, together with all other necessary expenditures.

**SECTION 6.** The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the Improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the Improvement now on file in the office of the Clerk of council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council may cause notice of the adoption of this resolution and filing of the estimated special assessments to be made on the owners of all lots and lands to be assessed.

**SECTION 7.** The special assessments to be levied shall be paid in 30 annual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne by securities to be issued in anticipation of the collection of the total of the unpaid special assessments or, if such securities are not issued, at the rate of rates of interest determined by the Council when it passes the assessing ordinance levying those special assessments; provided that the owner of any property assessed may pay the special assessment within 30 days after passage of the assessing ordinance.

**SECTION 8.** The City presently intends to issue securities in anticipation of the levy of the special assessments. The City presently intends to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of the entire cost of the Improvement, after application of the special assessments, may be paid by the issuance of bonds in the manner provided by law or from other funds available for that purpose.


**SECTION 9.** The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

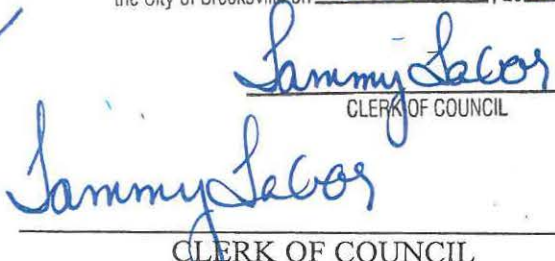
**SECTION 10.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary for the construction of the Improvement, which is urgently needed to provide safe and effective sanitary sewer services and thus safeguard the health and property of resident of the City and protect the environment of the City, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5264 duly passed by the Council of the City of Brecksville, Ohio, on 3-15, 2022, and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3-18, 2022.

PASSED: March 15, 2022

APPROVED: March 15, 2022

  
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MAYOR

  
\_\_\_\_\_  
CLERK OF COUNCIL