

RESOLUTION 2023 – 3

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CERTAIN SEWER IMPROVEMENTS (COMMERCIAL DISTRICT) IN THE CITY OF MASON, WARREN COUNTY, OHIO.

WHEREAS, this City Council (the “Council”) of the City of Mason, Warren County, Ohio (the “City”) has, on January 4, 2023, received a petition (the “Petition”) from Western Row Land Developers Inc. (“WRLD”) requesting the construction of new sewer and related improvements and requesting special assessments be levied to pay the cost of such improvement pursuant to Ohio Revised Code Chapter 727; and

WHEREAS, this Council hereby determines such proposed improvements would be in the best interest of the public convenience and welfare:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MASON, WARREN COUNTY, OHIO HEREBY RESOLVES, a majority of all members elected thereto concurring:

SECTION 1. That it is hereby declared necessary to improve the municipal sewer system by constructing new sanitary sewer lines and all related improvements (the “Improvements”), all as more fully described in the Petition, on file with the City Council, and open to the inspection of all persons interested.

SECTION 2. That it is hereby determined that said sewer improvements, easements, 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 materials, and in the same manner; and that said utilities, easements, or parts thereof, shall, to the extent permitted by law, be treated as a single improvement.

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

SECTION 4. That the City Manager is hereby ordered to cause the City Engineer or an independent engineer to prepare plans, specifications, profiles and estimate of cost of the Improvements.

SECTION 5. That one hundred percent of the cost of the Improvements shall be paid by special assessments pursuant to the Petition of one hundred percent of the benefitted landowners submitted and hereby accepted by this City Council, attached hereto as Exhibit A and incorporated herein.

SECTION 6. That the method of levying said special assessments shall be upon the real estate abutting upon said improvement; according to the benefits accruing to such real estate, which shall be equally per lot, as set forth in the Petition.

SECTION 7. That the lots or parcels of land to be assessed for the Improvements shall include all lot(s) and land(s) described in Exhibit "B", attached hereto and made a part hereof, all of which said lot(s) and land(s) 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; (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 cash advances or 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 twenty-three (23) annual or forty-six (46) 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 to pay the cost of the Improvements. The owner of all property to be assessed has waived its option to, pay such assessment in cash within (30) days after the first publication of the notice of the assessment resolution.

SECTION 10. That the City intends to issue bonds to pay the cost of the improvements in anticipation of the collection of special assessments, and notes of the City may be issued in anticipation of the issuance of such bonds and the levy of such assessments.

SECTION 11. That the City Manager be and is hereby authorized and directed to cause to be prepared and filed in the City office 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 upon the filing of the estimated assessments, notice of the adoption of this resolution and the filing of the estimated assessments shall be served upon the owners of the lot(s) or parcel(s) of land to be assessed for the Improvements.

SECTION 13. 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 14. That this resolution shall take effect at the earliest date permitted by law.

ADOPTED: January 9, 2023.

Mayor

Attest:

Clerk of Council