

RESOLUTION 2016 – 2

DECLARING THE NECESSITY OF IMPROVING CERTAIN PROPERTY BY CONSTRUCTING PUBLIC INFRASTRUCTURE IMPROVEMENTS AND OF ASSESSING CERTAIN LOTS FOR COSTS OF THOSE IMPROVEMENTS, IN ACCORDANCE WITH CHAPTER 727 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY (AMBLESIDE MEADOWS)

WHEREAS, the owner of 100% of the lands to be assessed for the construction of certain public infrastructure improvements and other related improvements (the “Public Infrastructure Improvements”) has petitioned City Council to be assessed for the costs of the Public Infrastructure Improvements (the “Petition”); and

WHEREAS, City Council has been advised that the plans, specifications, profiles and estimates of cost with respect to the Public Infrastructure Improvements have been placed on file with the Clerk of Council; and

WHEREAS, City Council has determined that it is necessary and desirable to undertake and carry out the Public Infrastructure Improvements in order to increase the amount of developable land within the City, to promote the public’s health, safety and welfare, and for the other public purposes identified herein.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That it is hereby declared necessary and a public purpose of the City to construct certain Public Infrastructure Improvements, and other related improvements, as further described in the petition submitted by the owner of 100% of the lands to be assessed (the “Petition”) and the profile, plans and specifications therefor, each of which are on file with the Clerk of Council (the “Public Infrastructure Improvements”). The Petition, profile, plans and specifications have been, and will remain, open to inspection by all interested persons.

Section 2. That it is hereby determined that (i) all of the Public Infrastructure Improvements are so situated in relation to each other that in order to complete the Public Infrastructure Improvements in the most practical and economical manner, they should be constructed and improved at the same time, with the same kind of materials, and in the same manner, and (ii) the Public Infrastructure Improvements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09.

Section 3. That Council hereby determines and declares that (i) the Public Infrastructure Improvements are an essential and vital public, municipal governmental purpose of the City, necessary in order to increase the amount of developable land within the City, and to promote the public’s health, safety and welfare, and (ii) in order to fulfill these public purposes of the City, it is necessary and proper to provide for the construction of the Public Infrastructure Improvements.

Section 4. That the plans, specifications, profiles and estimates of the costs of the Public Infrastructure Improvements are hereby approved.

Section 5. That Council hereby determines that (i) the Petition has been signed by 100% of the owners of lands specially benefited by the Public Infrastructure Improvements, and (ii) the Petition is hereby accepted. In accordance with the Petition, one hundred percent (100%) of the “Assessable Cost” of the Public Infrastructure Improvements (as defined and described in the Petition), together with financing and interest costs in connection with the issuance and repayment of related indebtedness by the City, shall be paid by the assessments levied against such specially benefited properties beginning with tax year 2017 and first collectable in 2018.

Section 6. That the method of levying said special assessments shall be in proportion to the benefits received, as set forth in the Petition.

Section 7. That the lots to be assessed for the Public Infrastructure Improvements shall include numbered lots 1 through 314 shown in Exhibit A hereto (the "Assessed Lands"), all of which are hereby determined to be specially benefited by the Public Infrastructure Improvements, and shall exclude the common areas and right-of-way depicted in Exhibit A.

Section 8. That the costs of the Public Infrastructure Improvements to be paid for directly or indirectly, in whole or in part, by funds derived from the special assessments may include but is not limited to those "Direct Costs" and "Indirect Costs" identified in the Petition, all together with interest thereon, administrative expenses with respect thereto and other allowable costs of the Public Infrastructure Improvements, as provided in Chapter 727 of the Ohio Revised Code.

Section 9. That the assessments for the Public Infrastructure Improvements to be levied shall be paid in up to 50 semi-annual installments beginning in 2018 (with respect to tax year 2017, the first tax year for which the assessments for the Public Infrastructure Improvements are to be levied) or otherwise in the manner provided by the Warren County Treasurer.

Section 10. That the City of Mason, pursuant to a separate bond ordinance, intends to issue bonds or internal notes to finance the construction of the Public Infrastructure Improvements, which the City anticipates will be repaid via the special assessments collected.

Section 11. That the estimated assessments of the Assessable Costs of the Public Infrastructure Improvements in accordance with the method of assessment set forth in the Petition and this resolution, showing the amount of the assessment against each lot of land to be assessed, have been filed with the Clerk of Council.

Section 12. That the assessments shall be used by the City to construct the Public Infrastructure Improvements, to repay indebtedness incurred by the City in order to finance the construction of the Public Infrastructure Improvements, and to cover administrative and other expenses related to the foregoing.

Section 13. That notice of the passage of this resolution has been waived by the owners of 100% of the owners of the Assessed Lands.

Section 14. That this Resolution shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare, and shall be effective immediately. The reason for the emergency is to enable the construction contemplated hereby to proceed as scheduled and thereby to effectuate the improvement of the City as soon as possible.

Passed this 8th day of February, 2016.

Mayor

Attest:

Clerk of Council