

## RECORD OF ORDINANCES

Ordinance No. 2020-41Passed June 3, 2020

SPONSOR: STREETS COMMITTEE

AN ORDINANCE DETERMINING TO PROCEED WITH THE CONSTRUCTION OF THE SIDEWALK IMPROVEMENTS UPON ADJACENT LOTS LOCATED ON PROSPECT STREET, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio, as follows:

SECTION 1. This Council makes the following findings and determinations:

- (a) This Council has adopted Resolution No. 2020-37 (the "Resolution of Necessity") declaring the necessity of improving Prospect Street by constructing new sidewalks and certain pedestrian improvements (the "Improvement").
- (b) This Council intends and determines to proceed with the Improvement in accordance with the Resolution of Necessity and the plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk-Treasurer.

SECTION 2. The Improvement shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles and estimates of cost previously approved and now on file in the office of the Clerk-Treasurer, which is adopted hereby.

SECTION 3. No claims for damages or objections in connection with the aforesaid plans, specifications, profiles, and/or estimate of costs have been filed within the notice period as provided by law. As a result, all claims for damages resulting from the Improvement that have been legally filed shall be inquired into after completion of the Improvement, and the Law Director is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

SECTION 4. The portion of the cost of the Improvement to be assessed in accordance with the Resolution of Necessity shall be assessed in the manner and the number of installments provided, and on the lots and lands described in the Resolution of Necessity and the aforesaid plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk-Treasurer.

SECTION 5. The Clerk-Treasurer and/or his designee shall deliver a certified copy of this Ordinance to the Summit County Fiscal Officer within 15 days after its passage.

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SECTION 6. Subject to the provisions of Section 727.24 of the Revised Code and so long as the actual costs of the Improvement do not exceed the estimate of cost by more than 15%, the Mayor or his designee is authorized and directed, as soon as the funds are available, to make and sign a contract for the Improvement, and the Improvement shall be financed as provided in the Resolution of Necessity.

SECTION 7. That Council hereby determines to dispense with any notice, hearing, and determination that might otherwise be required by Section 727.24 of the Revised Code because this Improvement is being partially funded with funds from the state of Ohio.

SECTION 8. The Village of Mogadore finds and determines that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 197 during the state-declared COVID-19 emergency.

SECTION 9. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, and for the further reason that this resolution must be immediately effective to provide for the Improvement which is necessary to provide to provide sanitary sewerage services to the properties specially benefited by the Improvement; wherefore, this ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

Michael Raddish 06/03/20  
 President of Council Date

M. G. M. 6-4-20  
 Mayor Date

Attest:

[Signature]  
 Clerk – Treasurer