City of Powell, Ohio

ORDINANCE 2009-34

Adopted December 1, 2009

AN ORDINANCE IMPOSING ASSESSMENTS ON PROPERTIES FOR SIDEWALK REPAIR AND REPLACEMENT AND CERTIFYING THE ASSESSMENTS TO THE DELAWARE COUNTY AUDITOR FOR COLLECTION.

WHEREAS, in accordance with Chapter 905 of the Codified Ordinances of the City of Powell a Resolution of Necessity was adopted regarding repair and replacement of certain sidewalks within the City; and

WHEREAS, pursuant to such Resolution of Necessity, repairs and/or improvements were made to certain properties within the City; and

WHEREAS, written notice has been forwarded to property owners providing notice of a public hearing regarding such assessments, and such hearing has been concluded; and

WHEREAS, an allocation of assessments has been made together with costs and interest.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: Council hereby certifies the unit costs of construction, repair or replacement (including administrative costs and interest) on the properties and in the amounts set forth on the chart attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2: Council further determines that interest shall be imposed on the unpaid balance of such assessments at the rate of 5% per annum commencing January 1, 2010.

Section 3: Council hereby directs the City Clerk to certify the amount of such assessments, Auditor collection fee and interest to the Delaware County Auditor for addition to the tax duplicate for collection over five (5) years payable in semi-annual installments at the interest rate of 5% per annum. The first of such installments shall be due and payable at the first-half 2010 tax year collection and semi-annually thereafter until paid in full. Interested shall be computed on the unpaid balance.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 5: This ordinance shall take effect at the earliest date allowed by law.

VOTE ON ORDINANCE 2009-34: Y 6 N 0

Tom Counts, Mayor — Date 12/14/09

Susie Ross, City Clerk — Date 12/15/09

CITY OF POWELL DELAWARE COUNTY, OHIO

EFFECTIVE DATE: December 31, 2009

This legislation has been posted in accordance with the City Charter on this date 12/15/09.

City Clerk

City Council

Tom Counts, Mayor

Richard Cline Don Grubbs Jim Hrivnak David Lackey Art Schultz Dan Wiencek