

**CITY OF XENIA, OHIO
RESOLUTION 2020 – F**

**ESTABLISHING STREET LIGHTING DISTRICT #5 WITHIN THE STERLING GREEN
CROSSING PHASE FOUR SUBDIVISION AND DECLARING THE NECESSITY
OF IMPROVING CITY STREETS AND PUBLIC WAYS WITHIN STREET LIGHTING
DISTRICT #5 BY THE LIGHTING THEREOF FOR THE YEARS 2021 - 2022**

WHEREAS, Ohio Revised Code Section 727.01 grants the legislative authority of a municipal corporation the special power to levy and collect special assessments for the improvement of any street, alley, public road, place, boulevard, parkway or park entrance by the lighting thereof;

WHEREAS, Ohio Revised Code Section 727.06 states that when a petition, subscribed by sixty percent (60%) of the owners of the front footage of property abutting the streets to be improved by the lighting thereof, requesting such improvement is presented to the legislative authority of the municipal corporation, the total costs of such improvement, including the cost of intersections, may be assessed and collected in equal annual installments, proportioned to the whole assessment, in a manner to be fixed by the legislative authority;

WHEREAS, Ohio Revised Code Section 727.09 states that when the legislative authority determines that the streets or parts thereof to be improved by lighting are so situated in relation to each other that in order to complete the improvement in the most practical and economical manner they should be improved at the same time and treated as a single improvement;

WHEREAS, Ohio Revised Code Section 727.12 states that, when it is deemed necessary by the legislative authority of a municipal corporation to levy and collect special assessments for improvements by street lighting, plans and an estimate of cost for the improvement be prepared and filed in the office of the City Clerk;

WHEREAS, the owners of sixty percent (60%) or more of the front footage of properties abutting upon the streets in the Sterling Green Crossing Phase 4 Subdivision, as shown in the plans on file in the Office of the City Clerk, have signed a petition requesting the improvement of those streets by the lighting thereof and have presented said petition to this Council; and

WHEREAS, upon being notified that street lighting plans and an estimate of cost for lighting the streets in the Sterling Green Crossing Phase 4 Subdivision, has been filed with the City Clerk, this Council may now declare the necessity for such improvement by the passage of a resolution,

NOW, THEREFORE, THE CITY OF XENIA HEREBY RESOLVES, at least four (4) members of the City Council concurring, that:

Section 1. There is hereby established Lighting District #5, which shall include all of the Sterling Green Crossing Phase 4 Subdivision, including Lot Numbers 125-164, as shown on the recorded Plat, Plat Cabinet 39, Pages 18B-20A, of the Plat Records of Greene County, Ohio, as requested upon petition, attached hereto as Exhibit A.

Section 2. It is hereby declared necessary for the preservation of the public health, safety and welfare of the City and its inhabitants to improve the streets in Lighting District #5 by providing for the lighting thereof, said lighting to be provided by electrical lighting, for the years 2021 through 2022 (“the Improvement”).

Section 3. The plans and estimate of the cost for the Improvement, now on file in the office of the City Clerk, are hereby approved.

Section 4. The entire cost of the Improvement shall be specially assessed on all lots and lands lying within Lighting District #5. These lots and lands within Lighting District #5 are hereby determined to be specially benefited by the improvement and, in accordance with Ohio Revised Code Section 727.06, shall be assessed one hundred percent (100%) of the cost of the improvement.

Section 5. It is hereby determined that the streets within Lighting District #5, which are to be improved by the lighting thereof, are so situated in relation to each other that said streets shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, in order to complete the Improvement in the most practical and economic manner.

Section 6. The special assessments shall be levied to on each lot and land within Lighting District #5 in proportion to the benefits which will result from the Improvement, by dividing the total annual cost of the Improvement by the total number of lots within Lighting District #5, and shall be paid, when levied, in two (2) annual installments (2021-2022).

Section 7. The remainder of the cost of the Improvement, if any, after the application of the special assessments provided for herein, shall be paid from other funds available and appropriated for such purpose.

Section 8. The City does not intend to issue securities in anticipation of the levy of the special assessments, nor to issue securities in anticipation of the collection of special assessments.

Section 9. The Finance Director, or his designee, is hereby directed to prepare estimated assessments, showing the amount of the special assessment against each lot and land to be assessed, based on the estimate of cost filed in the office of the City Clerk. Such estimated assessments shall be prepared in accordance with the method of assessment set forth in this Resolution. The estimated special assessments shall be filed in the office of the City Clerk and kept available for public inspection.

Section 10. Upon the filing of the estimated special assessments, the City Clerk is directed to give notice of the passage of this Resolution, and of the filing of the estimated assessments, by publication once a week for two (2) consecutive weeks in a newspaper of general circulation within the City, in accordance with Ohio Revised Code Section 727.14. If the estimated special assessment against any property will exceed Two Hundred and Fifty Dollars (\$250), the City Clerk shall give notice to the owner of the lot or land so affect by certified mail or by personal service.

Section 11. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this 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 12. This Resolution shall become effective upon its passage.

Introduced: March 12, 2020
Passed: March 26, 2020

Attest:


Michelle D. Johnson
City Clerk



Wesley E. Smith
President, Xenia City Council

EXHIBIT A

PETITION

To the City Council
City of Xenia, Ohio
Greene County, Ohio

Ladies and Gentlemen:

We, the undersigned being all of the owners of lots and lands abutting on the streets and public ways of the hereinafter described incorporated district in the City of Xenia, Ohio do petition for the artificial lighting by means of electric lights for the streets and public ways during the nighttime, in such district known as LIGHTING DISTRICT # 5, and described as follows:

Situated in the County of Greene, State of Ohio, and the City of Xenia:

Being all of Lot Numbers: 125-164, in the Sterling Green Crossing Phase Four Subdivision, as shown by the Plat recorded in Plat Cabinet 39, Pages 18B-20A, of the Plat Records of Greene County, Ohio

Subject to all covenants, conditions, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

Petitioners and their successors agree to the annual assessment directly to their property tax bills, including all City and County administrative and collection costs. M ONE DEVELOPMENT, LLC, as Developer and Declarant, hereby agrees to pay all initial installation costs, including the initial cost of the selected fixtures and/or parts.

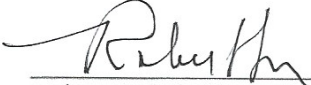
IN WITNESS WHEREOF, we have hereunto subscribed our names this 26th day of FEBRUARY, 2020.

Owner of Lots 125, 128-137, 139-148
and 150-164

Owner of Lots 126-127, 138 and 149

M One Development, LLC

NVR, INC.



Robert S. Laing, Jr.
President

Paul Wishnok
Vice president

2/26/20

Date

Date