

**CITY OF XENIA, OHIO
RESOLUTION 2022 – M**

**ESTABLISHING STREET LIGHTING DISTRICT #1 (STERLING GREEN CROSSING
SUBDIVISION) AND DECLARING THE NECESSITY OF IMPROVING
CITY STREETS AND PUBLIC WAYS WITHIN STREET LIGHTING DISTRICT #1
BY THE LIGHTING THEREOF FOR THE YEARS 2023 – 2027**

WHEREAS, ORC 727.01 grants this Council the special power to levy and collect special assessments for the improvement of any street, alley, public road, place, or boulevard by the lighting thereof;

WHEREAS, ORC 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 this Council, 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 Council;

WHEREAS, the owner of sixty percent (60%) or more of the front footage of properties abutting on the streets in the Sterling Green Crossing Subdivision previously petitioned this Council to request the improvement of the streets in Sterling Green Crossing Subdivision Sections 1 – 4 by the lighting thereof;

WHEREAS, this Council, as petitioned, created Street Lighting District #1 for the Sterling Green Crossing Subdivision, Section 1, by Resolution 2017-G, passed on March 23, 2017; Street Lighting District #2 for the Sterling Green Crossing Subdivision, Section 2, by Resolution 2018-G, passed on March 8, 2018; Street Lighting District #3 for the Sterling Green Crossing Subdivision, Section 3, by Resolution 2019-E, passed on March 29, 2019; and Street Lighting District #5 for the Sterling Green Crossing Subdivision, Section 4, by Resolution 2020-F, passed on March 26, 2020;

WHEREAS, ORC 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, ORC 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; and

WHEREAS, upon being notified that street lighting plans and an estimate of cost for lighting the streets in the Sterling Green Crossing Subdivision, Sections 1 – 4, have 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 Street Lighting District #1, which shall include all of the Sterling Green Crossing Subdivision Section 1, including Lot Numbers 1-37, as shown on the recorded Plat, Plat Cabinet 38, Pages 195A-197A, of the Plat Records of Greene County, Ohio; all of Sterling Green Crossing Subdivision Section 2, including Lot Numbers 38-74, as shown on the recorded Plat, Plat Cabinet 38, Pages 267A-269A, of the Plat Records of Greene County, Ohio (formerly known as Street Lighting District #2); all of Sterling Green Crossing Subdivision

Section 3, including Lot Numbers 79 – 124, as shown on the recorded Plat, Plat Cabinet 38, Pages 338A-339B, of the Plat Records of Greene County, Ohio (formerly known as Street Lighting District #3); and all of Sterling Green Crossing Subdivision Section 4, 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 (formerly known as Street Lighting District #5).

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 Street Lighting District #1 by providing for the lighting thereof, said lighting to be provided by electrical lighting, for the years 2023 through 2027 (“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 Street Lighting District #1. These lots and lands within Street Lighting District #1 are hereby determined to be specially benefited by the improvement and, in accordance with ORC 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 Street Lighting District #1, 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 ORC 727.09, to complete the Improvement in the most practical and economic manner.

Section 6. The special assessments shall be levied on each lot and land within Street Lighting District #1 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 Street Lighting District #1, and shall be paid, when levied, in five (5) annual installments (2023 – 2027).

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 ORC 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 affected 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 ORC 121.22.

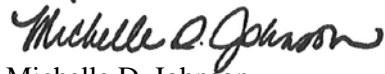
Section 12. This Resolution shall become effective immediately upon its passage.

Introduced: March 10, 2022
Passed: March 24, 2022



Wesley E. Smith
President, Xenia City Council

Attest:



Michelle D. Johnson
City Clerk

RESOLUTION 2022-M

Sterling Green Crossing Subdivision Streetlighting

Consolidation of Street Lighting Districts 1, 2, 3 and 5

"Old" Lighting District No.	Lot Numbers	Annual Assessment	Add: Administrative Fee (5%)	TOTAL PER LOT	ASSESSMENT FOR DISTRICT
1	1-37	\$28.52	\$1.43	\$29.95	\$1,108.00
2	38-78	\$33.90	\$1.70	\$35.60	\$1,459.40
3	79-124	\$23.41	\$1.17	\$24.58	\$1,130.70
5	<u>125-164</u>	\$33.53	\$1.68	\$35.21	<u>\$1,408.26</u>
TOTALS	164				\$5,106.36

"NEW" ANNUAL PER LOT ASSESSMENT FOR LIGHTING DISTRICT NO. 1 = $\$5,106.36/164=$ **\$31.14**