

ORDINANCE NO. 105 -79

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 40-79, PASSED MARCH 26, 1979, ENTITLED "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CURBS AND GUTTERS ON THE NORTH SIDE OF CORDELIA STREET S.W. AND CERTAIN OTHER STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF NORTH CANTON, AND DECLARING AN EMERGENCY," AS THAT SECTION WAS AMENDED BY ORDINANCE NO. 74-79, PASSED MAY 29, 1979, AND DECLARING AN EMERGENCY.

WHEREAS, Council heretofore by Ordinance No. 40-79, passed March 26, 1979, levied special assessments to pay a portion of the cost of the improvement therein described and amended Section 1 of such ordinance by passing Ordinance No. 74-79, on May 29, 1979; and

WHEREAS, through inadvertence, the aggregate amount of assessments that had been filed prior to the passage of Ordinance No. 74-79 was incorrectly set forth in Section 1 of said ordinance; and

WHEREAS, the assessments shown on the list of special assessments presently on file in the office of the Clerk of Council, which list was adopted and confirmed by Ordinance No. 74-79, aggregate in the amount set forth herein and it is Council's desire to correct the records of the City by amending such legislation as herein provided;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Canton, Stark County, State of Ohio:

Section 1. That existing Section 1 of Ordinance No. 40-79, passed March 26, 1979, as amended by Ordinance No. 74-79, passed May 29, 1979, be and the same is hereby amended to read as follows:

"Section 1. The assessments for the cost and expense of constructing curbs and gutters on the following streets between the following termini: on the north side of Cordelia Street S.W. from Woodland Avenue S.W. easterly approximately 900 feet to Alley No. 53, on the south side of Cordelia Street S.W. from Woodland Avenue S.W. easterly approximately 450 feet to the west line of City Lot No. 5354, on the north side of Fifth Street N.W. from Pierce Avenue N.W. easterly approximately 530 feet to the east line of City Lot No. 1965, from the west line of City Lot No. 2670 easterly approximately 210 feet to Hillcrest Avenue N.W. and from Alley No. 3 easterly approximately 200 feet to North Main Street, on the south side of Fifth Street N.W. from Pierce Avenue N.W. easterly approximately 880 feet to the east line of City Lot No. 2684 and from Royer Avenue N.W. easterly approximately 750 feet to North Main Street and on both sides of Hillcrest Avenue N.W. from Fifth Street N.W. to 7th Street N.W. in the City of North Canton, Ohio, pursuant to Resolution No. 78-78, adopted June 12, 1978, amounting in the aggregate to \$45,432.23, as heretofore reported to this Council be and the same are hereby adopted and confirmed and that there be and are hereby levied and assessed upon the lots and lands enumerated in the list of assessments filed with the Clerk of Council by the

City Engineer, the respective amounts reported as aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of Council and which assessments are not in excess of the special benefits, and are not in excess of any statutory limitation."

Section 2. That Council finds and determines that the period for receiving payment of such assessments in cash shall not be extended by reason of the amendment herein made.

Section 3. That the amount of reduction, if any, in the property owners' portion of the cost of such improvement resulting from the amendment hereby made shall be assumed as an additional share of the City's portion of the cost of such improvement and shall be paid, as shall the balance of the City's portion of the cost of such improvement, by the issuance of bonds in the manner provided by law or from other funds available for this purpose.

Section 4. The Clerk of Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within twenty (20) days after its passage.

Section 5. That Section 1 of Ordinance No. 40-79 as it was passed on March 26, 1979, and as it was amended by Ordinance No. 74-79, passed May 29, 1979, be and the same is hereby repealed.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such 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 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the prompt delivery of bonds is necessary to preserve the credit of the Municipality by retiring the outstanding note issued in anticipation thereof and therefore the amendment provided for herein should be effective at once; wherefore, this ordinance shall be in full force and effect immediately after its passage and approval by the Mayor.

North Canton, Ohio
Passed: July 23, 1979

Approved: July 24, 1979
Dennis Grady
Mayor

Attest:

Marion J. Wilson
Clerk of Council

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Marion Wilson
CLERK OF COUNCIL