

RESOLUTION NO. 31-79

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CURBS, GUTTERS AND SIDEWALKS ON WOODROW AVENUE N.W. AND THE WEST SIDE OF MARQUARDT AVENUE N.E. BETWEEN CERTAIN TERMINI IN THE CITY OF NORTH CANTON, PROVIDING THAT ABUTTING PROPERTY OWNERS CONSTRUCT THE SAME, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, STARK COUNTY, OHIO:

Section 1. That it is necessary to construct curbs, gutters and sidewalks on both sides of Woodrow Avenue N.W. from Werstler Avenue N.W. easterly approximately 575 feet to Pierce Avenue N.W. and on the west side of Marquardt Avenue N.E. from Carol Street N.E. northerly approximately 1,835 feet to Seventh Street N.E. in the City of North Canton in accordance with the plans, specifications and estimates of cost therefor prepared by the Engineer and now on file in the office of the Clerk of Council.

Section 2. That the owners of the lots and lands bounding and abutting upon the curbs, gutters and sidewalks described in Section 1 of this resolution, other than the curbs, gutters and sidewalks to be constructed in the intersections and the sidewalks to be constructed on both sides of Woodrow Avenue N.W., shall construct curbs, gutters and sidewalks in front of their premises in accordance with the plans and specifications now on file, such curbs, gutters and sidewalks to be constructed within a period of thirty (30) days after the service of notice of adoption of this resolution; and, if such construction shall not be completed within such period of thirty (30) days, then this Council shall have the same done and the entire cost thereof, less 2% thereof, shall be assessed upon the property of each defaulting owner and made a lien thereon, to be collected in the manner provided by law, with penalty and interest as provided by law. The cost of said improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the cost incurred in connection with the preparation, levy and collection of the special assessments, expenses of legal services, including obtaining an approving legal opinion, cost of labor and material, and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

Section 3. That the Clerk of this Council is directed to cause written notice of the adoption of this resolution to be served as required by law.

Section 4. The plans, specifications and estimates of cost for said construction, as above mentioned and heretofore filed, are hereby approved.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution 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 6. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City, and for the further reason that the immediate construction of such curbs, gutters and sidewalks is urgently required to permit safe passage by persons using said streets and eliminate existing hazards to vehicular traffic; wherefore, this resolution shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

North Canton, Ohio
Adopted: February 26, 1979

Approved: February 27, 1979

Dennis Gady
Mayor

Attest:

Marion J. Wilson
Clerk of Council

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DATES: 2-28-79
Marion J. Wilson
CLERK OF COUNCIL