

ORDINANCE NO. 106 -79

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 51-79, PASSED APRIL 9, 1979, ENTITLED "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN PROPERTIES IN THE CITY OF NORTH CANTON BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH HOUSE CONNECTIONS THEREFOR AND THE NECESSARY APPURTENANCES THERETO, IN CERTAIN DESIGNATED LOCATIONS, AND DECLARING AN EMERGENCY," AND DECLARING AN EMERGENCY.

WHEREAS, Council heretofore by Ordinance No. 51-79, passed April 9, 1979, levied special assessments to pay a portion of the cost of the improvement therein described; and

WHEREAS, through inadvertence, the aggregate amount of assessments that had been filed prior to the passage of Ordinance No. 51-79 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. 51-79, 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. 51-79, passed April 9, 1979, be and the same is hereby amended to read as follows:

"Section 1. The revised assessments for the cost and expense of constructing sanitary sewers, together with house connections therefor and the necessary appurtenances thereto, in Pittsburg Avenue N.W. from an existing manhole located approximately 195 feet northerly of the centerline of Carosal Circle N.W. southerly approximately 1,505 feet to a point approximately 315 feet northerly of the centerline of Portage Street N.W., in Carosal Circle N.W. from Pittsburg Avenue N.W. easterly approximately 250 feet, in Woodrow Avenue N.W. from Pittsburg Avenue N.W. easterly approximately 1,725 feet to a point approximately 115 feet easterly of the centerline of Browning Avenue N.W., in Lois Avenue N.W. from Woodrow Avenue N.W. southerly approximately 574 feet, in Lois Avenue N.W. from Woodrow Avenue N.W. northerly approximately 540 feet, in Browning Avenue N.W. from Woodrow Avenue N.W. northerly approximately 545 feet, in Janet Avenue N.W. from Woodrow Avenue N.W. northerly approximately 640 feet and from Applegrove Street N.W. southerly approximately 1,085 feet and in Applegrove Street N.W. from an existing manhole located approximately 10 feet easterly of the centerline of Pittsburg Avenue N.W. easterly approximately 2,170 feet, pursuant to Resolution No. 15-77, adopted January 24, 1977, amounting in the aggregate to \$356,707.82, which were filed with the Clerk of this Council on the 17th day of January, 1977, and are now on file in such office, be and the same

are hereby adopted and confirmed and such revised assessments are hereby levied and assessed upon the lots and lands benefited and to be charged therewith in the respective amounts set forth in the schedule of revised assessments, which assessments are in proportion to 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. 51-79 as it was passed on April 9, 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 notes 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 O'Grady
Mayor

Attest:

Marion J. Wilson
Clerk of Council

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Marion Wilson
CLERK OF COUNCIL