

RESOLUTION NO. 16-3-AS AMENDED

RESOLUTION DECLARING THE NECESSITY OF  
CONSTRUCTING A SIDEWALK ALONG WEST  
LAKESHORE DRIVE IN THE CITY OF PORT CLINTON  
AND REQUIRING THE ABUTTING PROPERTY OWNERS  
TO CONSTRUCT THE SAME AND DECLARING AN EMERGENCY

Whereas, for several years this Council of the City of Port Clinton has considered the construction of a sidewalk along West Lakeshore Drive, and,

Whereas, Council has in the past reviewed various cost estimates for the construction of sidewalks along West Lakeshore Drive, and,

Whereas, Council has requested that plans, specifications and estimates of cost be prepared for the construction of a sidewalk along the southerly side of West Lakeshore Drive, extending from a point in the northwesterly corner of the Auditor's Parcel No. 0210675622635000, owned by J & K Real Properties LLC, and extending westerly within the right of way of West Lakeshore Drive (State Route 163) located within the City, approximately Three Thousand Nine Hundred Ninety-Three feet (3993 feet), to terminate at a point of intersection with the southerly right-of-way of Richey Road, and,

Whereas, this Council has applied for and received partial funding for this sidewalk project through the Ohio Department of Transportation, Transportation Alternatives Program, for fiscal year 2016, and

Whereas, this Council finds and determines it should proceed with the construction of sidewalks along the southerly side of West Lakeshore Drive.

Now therefore be it resolved by the council of the City of Port Clinton, Ottawa County, Ohio:

Section § 1. That it is necessary to construct certain sidewalks in the City of Port Clinton, Ohio, in accordance with the plans, specifications and estimate of cost therefore prepared by R E Warner Engineers, on behalf of the City, along the following route: on the South side of West Lakeshore Drive (State Route 163), from a point in the northwest corner of the Auditor's Parcel No. 0210675622635000, owned by J & K Real Properties LLC., in the northerly extension of Monroe Street, and westerly within the right of way of West Lakeshore Drive (State Route 163) extending approximately Three Thousand Nine Hundred Ninety-Three feet (3993 feet) to terminate at a point of intersection with the southerly right-of-way of Richey Road, all as shown on the plans and specifications on file with the Clerk of Council and the Director of Safety and Service.

Section § 2. The plans, specifications and estimate of cost for the construction now on file in the office of the Clerk and the office of the Safety Service Director are hereby approved.

Section § 3. The owners of each lot and parcel of land bounding and abutting on the proposed sidewalk shall construct that portion of the sidewalk which abuts their respective properties, in accordance with the plans and specifications filed in the office of the Clerk, on or before April 21, 2016, or within thirty (30) days of notification of passage of this Resolution, whichever time period is greater.

Section § 4. In the event any such abutting property owner does not complete the construction of that portion of such sidewalk which abuts his/her property in accordance with the plans and specifications and within the time prescribed in this Resolution, this Council will cause the construction of the sidewalk to be done and assess the cost thereof against the lots and lands abutting thereon and the assessments shall be made a lien thereon, to be collected in the manner provided by law, with penalty and interest as provided by law.

Section § 5. The Clerk of Council is directed to serve notice of the passage of this Resolution on the owners of the lots and lands abutting on the sidewalk as provided by law by certified mail with return receipt.

Section § 6. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section § 7. This Resolution is hereby declared to be an emergency measure necessary of the preservation of the public peace, health, safety and welfare of the Citizens of the City, and for the further reason that for the City to take advantage of the Ohio Department of Transportation, Transportation Alternatives Program Funding, the sidewalk project must be completed by the end of calendar year 2016, and to provide the required statutory notices to the owners of lots and lands abutting the project this Resolution must be effective at the earliest possible time, Therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2016

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor