

RESOLUTION NO. 010-24

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved  Director of LawPUBLICATION: I hereby certify that this Resolution was published in a summary manner
according to law in the Lima News on _____

Dana Addis, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
JORDAN						
DIXON						
GLENN						
NEEPER						
DIXON						
TOTAL						

**A RESOLUTION DECLARING THE NECESSITY OF
CONSTRUCTING CERTAIN DESIGNATED
SIDEWALKS AND REQUIRING THAT THE ABUTTING
PROPERTY OWNERS CONSTRUCT THE SAME.**

PREAMBLE: The purpose and authority of and for this resolution are set forth as follows:

WHEREAS, the City Engineer has determined that certain sidewalks within the City must be reconstructed in order to eliminate existing hazards to pedestrian traffic; and,

WHEREAS, Council finds that passage of this resolution is necessary because of the immediate need for the action authorized herein to meet project or administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this resolution constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LIMA, ALLEN COUNTY, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. It is necessary to construct sidewalks in the locations described in Exhibit A attached hereto in accordance with plans, specifications, and estimates of cost heretofore prepared by the City Engineer and now on file in his office and in the Office of the Clerk of this Council.

Section 2. The plans, specifications, and estimates of cost for such construction are hereby approved.

Section 3. The owners of the properties in Exhibit A were notified of defective sidewalk conditions and were given the opportunity to repair, in accordance with the plans and specifications, the portion of such sidewalks abutting their respective property by September 1, 2024, but have failed to do so. Therefore the City shall have the same done and the entire cost thereof shall be assessed upon the property of each owner and made a lien thereon, to be collected in the manner provided by law, with penalty and interest as provided by law.

Section 4. The Auditor is authorized to take any action and to account for the activity authorized herein, as is appropriate under the circumstances of this resolution and in accordance with City policies and procedures, or as otherwise required by law, as the Auditor may determine is appropriate. The Law Director is authorized to: determine the correct business or corporate entity necessary for any contract authorized in this resolution; determine the correct legal description for any real property at issue in this resolution; correct any error in any exhibit to this resolution; correct any clear scrivener error in this resolution and to provide a clean copy for the council clerk; all as determined appropriate by the Law Director.

Section 5. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this resolution, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this resolution were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 6. In passing this resolution Council hereby intends to and hereby expressly does invoke, assert, implement, and exercise the authority of the City under the Ohio Constitution, its Home Rule authority, and its Charter authority, to the fullest extent possible. To that end, Council hereby finds and declares that the subject matter of this resolution is a matter of local concern only, and is thereby a matter of local self-government; or if this resolution is determined to be an exercise of the City's police power that this resolution is not in conflict with the general laws of the State. Therefore, it is the express intent of Council that the provisions of this resolution shall prevail over any provisions of state law that might otherwise be applicable. This includes but is not limited to all administrative action regarding all advertising, bidding, contracting, procurement, purchasing, sales, disposition, or other manner or method which was followed or will be followed in dealing with the subject matter of this resolution. Council hereby approves, authorizes, ratifies, and affirms all methods and procedures taken or followed (or to be taken or followed) leading to the award and execution of any contract, or purchase of goods or services, or any other action taken under authority of this resolution or otherwise authorized herein, written or oral. Council expressly finds that the action authorized in this resolution, and the procedures followed in carrying out the provisions or authorizations of this resolution, including any leading to the award and execution or implementation of any contract, sale, or purchase, is authorized and passed under authority of the City's Charter, including but not limited to City Charter Sections 1 and 81, and its constitutional home rule authority, and is in the best interests of the City.

Section 7. The Clerk of the Council is authorized and directed to cause publication of this resolution to be made in a summary manner as provided by the City Charter.

Section 8. In accordance with City Charter Section 33, this resolution shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted: _____, 2024

Jamie L. Dixon, President

Approved: _____, 2024

Sharetta T. Smith, Mayor

Attest: _____
Dana Addis, Clerk

EXHIBIT “A”

Parcel Number	Location	Owner
37-3111-07-016.002	563-565 W Circular St	David Jones
37-3111-09-001.000	602 S West St	Chad R. Vanvoorhis
37-1911-04-004.000	141 W Lane Ave	Eric & Doris Broughton
37-1911-04-007.000	183 W Lane Ave	Reula S. & Kelly M. Newland
37-1910-04-009.000	192 W Lane Ave	Gerald L. Dixon Jr.
37-1910-04-008.000	194 W Lane Ave	George O. Heise Jr.
37-1910-05-012.000	200 W Lane Ave	Russel Wayne & Nichole M. King
37-1910-05-011.000	204 W Lane Ave	Dale Brown
37-1911-05-004.000	207 W Lane Ave	Kurt Kaufman
37-1910-05-010.000	208 W Lane Ave	Kelly Gene Chapman
37-1910-05-009.000	260 W Lane Ave	Coleman Professional Services
36-3609-08-027.000	408 S Baxter St	Elizabeth Ann Taylor
36-3609-09-007.000	417 S Baxter St	Gilbert Apartments of Ada, LTD
36-3609-08-026.000	418 S Baxter St	Paul E. Curtis
36-3609-08-022.000	430 S Baxter St	Dedric L. Curtis
36-3509-10-004.000	1533 Lowell Ave	Jeffry L. & Melissa A. Johnson
36-3509-007-001.000	1603 Lowell Ave	Donald Baker
36-3609-15-002.000	511 W Eureka St	T&T 1978 Properties, LLC
36-3609-12-014.000	520 W Eureka St	Tynisha S. Brown
36-3609-15-005.000	527 W Eureka St	Steven T. & Sandra A. Goodman
36-3609-11-013.000	602 W Eureka St	James Michael Roebuck
36-3609-16-002.000	615 W Eureka St	Sean & Isabella Hunnicutt
36-3609-16-003.000	617 W Eureka St	Greater Lima Acquisition Group, LLC
36-3609-11-010.000	425 S Metcalf St	Charles R. Cook
36-2411-02-001.000	800 W Robb Ave	Fraternal Order Of Eagles No. 370
36-3609-08-001.000	402-404 S Baxter St	Richard L. & Ilean P. Wenzel, Trustees
36-3609-08-003.000	933 Faurot Ave	Paul Curtis
36-3609-07-022.000	934 Faurot Ave	Victor L. & Tonya Washington
36-3609-09-003.000	937 Faurot Ave	Paul Curtis
36-3609-08-004.000	941 Faurot Ave	Melinda Santini & Steve Packer
36-3609-08-005.000	947 Faurot Ave	Steve & Melinda Packer
36-3609-07-019.000	333 S Collett St	Jae G. Howard
36-3609-19-001.000	502 S Baxter St	Robert W. Harris
36-3609-08-021.000	914 W Eureka St	Freddy M. & Danielle L. Mendez
36-3609-08-020.000	916 W Eureka St	Nickolas Williamson
36-3609-08-019.000	918 W Eureka St	Coleman Clark Jr.
36-3609-08-017.000	922 W Eureka St	Luke & Anna Jones
36-2411-02-002.000	936 W Robb Ave	Allen Metropolitan Housing Authority

36-3607-02-005.000	1029 W High St	Douglas Hartinger Trustee
36-3509-15-012.000	NW Corner of Lakewood Ave & S Cole St	Carol L. Simons
36-3512-01-001.000	1501 Lakewood Ave	Henry Frank Taylor
36-3512-01-002.000	1509 Lakewood Ave	Stephanie G. Hemmer
36-3509-15-012.001	1522 Lakewood Ave	Carol L. Simons
36-3512-01-003.000	1525 Lakewood Ave	John H. & Crisena A. Elstro
36-3512-01-004.000	1531 Lakewood Ave	John H. & Crisena A. Elstro
36-3512-01-005.000	1535-1537 Lakewood Ave	Cesar A. Rodriguez A@3
36-3505-06-003.000	1605 W Wayne St	Thomas R. & Ruth M. Daley
36-3505-06-007.000	1627 W Wayne St	Monique M. Wilson
36-3505-06-009.000	1635 W Wayne St	Emilee D. Fleming
36-2612-20-010.000	1636 W Wayne St	Wendy Fannin
47-0605-07-014.000	817 Franklin St	Charlotte Johnson
47-0605-07-001.000	830 Albert St	Philip W. Kleman
36-2412-12-014.000	500 W Robb Ave	Paul Kimmel
36-2412-12-013.000	504 W Robb Ave	George O. Heise Jr.
36-2412-05-011.000	404 W Robb Ave	Catherine D. Scheer
36-2412-13-026.000	602 W Robb Ave	Kaitlin Loll & Brandon Hemmelgarn
36-2412-13-023.000	614 W Robb Ave	Gross Capital Interests, LLC
36-2412-13-022.000	618 W Robb Ave	Ebuck Interprises, LLC
47-0605-11-035.000	719 Dingleline Ave	Keith & Robin Lemle
37-3011-04-042.000	611 N Main St	Jesse A. Sanchez, Trustee
37-3011-04-040.000	120 W McKibben	William Seffernick