

CITY OF CLAYTON, OHIO

RESOLUTION NO. R - 02 - 23 - 17

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING STREET LIGHTING IMPROVEMENTS IN AND ASSESSING ANNUAL LIGHTING CHARGES UPON LOTS LOCATED WITHIN HUNTER'S PATH, SECTION ONE, IN THE CITY OF CLAYTON, OHIO

WHEREAS, the Clayton City Council (hereinafter the "Council") has heretofore studied the need to construct street lighting improvements (the "Improvements") to service presently unserved areas in the City of Clayton that are in the process of current or planned development; and

WHEREAS, the proposed Hunter's Path, Section One development project will be designed to serve the residences to be constructed and located throughout the project area; and

WHEREAS, this Council with and upon recommendation of staff has reviewed and hereby approves the general plans and the detailed plans and specifications required to proceed with the Improvements; and

WHEREAS, this Council has received a duly subscribed and regularly presented request/petition pursuant to Ohio Revised Code Section 727.06 requesting said improvement and including in said request/petition that the annual lighting charge cost of the street lighting improvement be assessed in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district; and

WHEREAS, Council is electing to assess the entire cost annual lighting charge cost of the street lighting improvement in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district"; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Clayton, Ohio:

1. That this Council hereby declares it necessary for the preservation and promotion of the public health and welfare, for the reasons set forth in the preambles hereof, to enter into an agreement with AES/Miami Valley Lighting LLC for full service lighting and to assess the accumulated annual charge estimated to be **\$4,557.60** against the lots in Hunter's Path Section One.
2. The lots or parcels of land to be assessed for the Hunter's Path Section One, Street Lighting Improvement Project are: Redwood Road Lots 1-8, 15-24, 52-57 and 60-66 and Willow Road Lots 34-46 and 47-51 and Fallgold Drive Lots 25-33 and Falls Road Lots 9-14 and 58-59 of Hunter's Path Section One, located in Section 29, Town 5, Range 5 East, City of Clayton, Montgomery County, Ohio and as further described in the attached Petition (**Exhibit A**) and Lot

Map (**Exhibit B**).

3. The Hunter's Path Section One, Street Lighting Improvement Project is estimated to consist of installation and trenching of ten (10) light poles and fixtures at a developers cost of **\$107,900** and total annual lighting charges for said ten (10) poles and fixtures of **\$4,557.60** to be assessed as delineated herein with no portion of the improvement to be paid by the City.

4. The boundaries of the area to be assessed include all properties within Hunter's Path Section One.

5. The Improvements are more particularly described and set out in the plans, specifications, estimates of cost, rates, charges and tentative assessments which are on file in the Clayton Government Center, 6996 Taywood Road, Englewood, Ohio, 45322 where they may be examined and which plans, specifications, estimates of costs, rates, charges and tentative assessments are hereby approved.

6. That the total annual lighting charge is estimated to be **\$4,557.60** and shall be funded as follows:

- (a) The portion to be specially assessed to property owners on an annual basis totals **\$69.05 per parcel**, as adjusted to reflect increases in future years, in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district.

7. The City does not intend to issue securities in anticipation of the levy of the assessments. The City does not intend to issue securities in anticipation of collection of the assessments.

8. That the estimate of the assessments against each parcel of property subject to assessment shall be prepared and filed in the office of the Clerk of Council and shall be open for inspection during regular business hours.

9. That Notice of the passage of this Resolution of Necessity and the filing of the estimated assessment pursuant to Ohio Revised Code Section 727.12 shall, after the estimated assessment has been made and filed as provided therein be served by the Clerk of Council, or a person designated by the clerk, upon the owners of the lots or parcels of land to be assessed for the Improvements, by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent.

10. That the owner of any lot or parcel of land who objects to the amount or apportionment of, or the assessment against such lot or parcel as set forth in the estimated assessment filed under Ohio Revised Code Section 727.12, shall file such objection, in writing, with the Clerk of Council within two weeks from the date of completion of the notice required herein. Such objection shall include the address for mailing of the notice of the creation by the City of an Assessment Equalization Board pursuant to Ohio Revised Code Section 727.16.

11. That an owner who fails to so file an objection shall be deemed to have waived any

objection.

12. That this Council hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

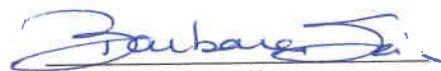
13. That a copy of this Resolution shall be filed with the Montgomery County Auditor.

ADOPTED BY COUNCIL ON FEBRUARY 2, 2023.

AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION

State of Ohio, County of Montgomery, ss.

I, Barbara Seim, Clerk of Council of the City of Clayton, Ohio, do hereby certify that the foregoing is taken and copied from the Record of Proceedings of said City of Clayton, Ohio; that the same has been compared by me with the Resolution on said Record and that it is a true and correct copy thereof.

Witness my signature this 7th day of February, 2023.



Clerk of Council

CERTIFICATION OF PUBLICATION

This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Brookville Star

Feb 15, 2023

Barbara Stein
Clerk

Attachments:

Petition

Lot Map

Assignment of House Numbers

LIGHTING ASSESSMENT PETITION
(Hunter's Path, Phase 1)

CITY OF CLAYTON, OHIO

TO: THE COUNCIL OF THE CITY OF CLAYTON, OHIO

1. We, the undersigned owners of seventy-five (75%) percent or more of the parcels that abut the street or streets on which lighting improvements are being requested, do hereby petition the Council for the following public improvement:

Installation and maintenance of streetlights for the purpose of making our community more desirable, with such streetlights to be supplied power through a contract that will be funded with monies from the assessment:

Description: Please describe, as thoroughly as possible, the street or streets to be included in the assessment area. This should be accomplished by referring to cross streets, subdivision names, and specific address boundaries, so that an accurate accounting of affected parcels or lots can be attained.

The streets included with this project include only the streets found specifically in Phase 1 of Hunter's Path, more specifically Redwood Road Lots 1-8, 15-24, 52-57, 60-66; Willow Road Lots 34-46, 47-51; Fallgold Dr 25-33; Falls Rd 9-14, 58, 59

Number of Affected Parcels: Please determine the number of affected parcels or lots that abut the street or streets on which light improvements are being requested. Also, provide any additional information that may be needed to properly understand or verify this accounting.

66 parcels

2. We, the undersigned, request that the entire cost of the lighting improvements be assessed equally amongst all abutting property owners as, regardless of the size of the individual lots, each property owner will equally benefit from the safety and aesthetic enhancement provided by the streetlights.

3. We, and each of us, further acknowledge and agree, in consideration of the installation and maintenance of the street light improvement, that no property, other than that which abuts the above-described streets, will receive special benefits from the improvements, and request that all assessments be limited to the parcels or lots that abut the street on which the improvement will be made.

4. In consideration of the improvement, we and each of us, agree to promptly pay all special assessments as they become due and that the determination of the special assessments by the Council against lots and lands owned by each of the undersigned will be final, conclusive and binding upon each of us.

5. We and each of us, consent and request that these special assessments be levied and collected without limitation as to the value of the property assessed, and waive the following:

(a) Any and all rights, benefits and privileges specified by Sections 727.03 and 727.06 of the Revised Code, or by any other provision restricting these special assessments to thirty three and one-third percent (33-1/3%) of the actual improved value of the lots and lands as enhanced by the improvements to be made;

(b) Any and all resolutions, ordinances and notices required for the making of the improvement, including the notice of the adoption of the resolution of necessity and the filing of estimated special assessments, the equalization of the estimated special assessments, any increase in the cost of labor and materials over the estimated costs and the passage of the assessing ordinance, including but not limited to, the notices authorized and required by Sections 727.13, 727.16, 727.17, 727.24 and 727.26 of the Revised Code; and

(c) Any and all irregularities and defects in the proceedings.

6. We agree and consent to the submittal of petitions executed in duplicate counterparts all of which shall be considered as a single petition.

7. We, and each of us, further consent and request that all legislation required to be enacted to permit the improvements to commence immediately be enacted at a single Council meeting.

Collection and Submission of Signatures: In order for Council to consider this petition, all petitioners must provide their name, address, and signature, along with the parcel number or numbers of their property. Each owner of a particular property must sign in order for that parcel or lot to be included in the 75% calculation. Please number each individual entry.

Name(s)	Address of Property	Lots	Parcel Number(s)	Signature
Hunters Path Project 1, LLC Phase 1				
	Redwood Road 1000-1035	1-8	M60 03207 0107-0114	
		15-24	M60 03207 0121-0130	
		52-57	M60 03207 0158-0163	
		60-66	M60 03207 0166-0172	
	Willow Road 5001-5026	34-46	M60 03207 0140-0152	

47-51 M60 03207 0153-0157

Fallgold Dr 6261, 6263-
6270

25-33 M60 03207 0131-0139

Falls Rd 3009,3011,3013-
3020,3022

9-14 M60 03207 0115-0120

58-59 M60 03207 0164-0165



Miami Valley Lighting
 1065 Woodman Drive
 Dayton, OH 45432
 937.475.8627
 robyn.livesay@aes.com

Street Light Proposal

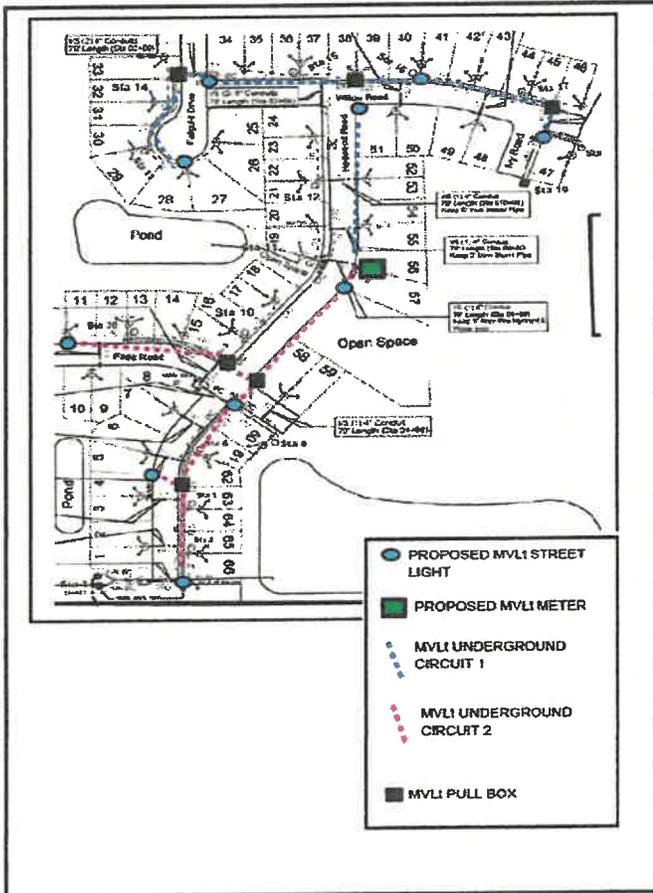
Customer Name: City of Clayton
Attention: Jack Kuntz (jkuntz@clayton.oh.us)
Email Address: Seth Dorman (sdorman@clayton.o
Developer: DDC Management *Hunters Path Project I, LLC*
Contact: Mike Lewis
Phone: 614.554.8310

Date: 1/10/2023
Proposal Expiration: 2/9/2023

Proposal No.: 10262471
Prepared By: Robyn Livesay

Project Location: Hunters Path Ph 1

Qty	Description	Unit Price	Total
10	Install and provide full service to Tier I LED Granville Fixtures (green)	\$1,235	\$12,350
10	Install and provide full service to 12' Hapco Georgetown Poles (green).	\$2,869	\$28,690
1	Meter Installation	\$3,949	\$3,949
Installation Charge (Paid by the Developer)			\$44,989



Underground Options		
Option 1	MVLT will install street light wire, conduit and pull boxes.	\$62,911
Option 2	Developer will install street light wire, conduit and pull boxes to MVLT specifications - See attached MVLT Specs	No Additional Charges

Underground charges are the developer's responsibility.

Developer Proposal Authorization

The Developer agrees to the locations, quantity and installation charges. Sign below next to the underground option of choice and total installation charge responsibility.

Option	Signature	Total Installation Charges
Option 1	<i>[Signature]</i> (Developer Authorized Signature)	\$ 107,900
Option 2	Signature: _____ (Developer Authorized Signature)	\$ 44,989

Date: 1/17/23

Payment Options	Option 1	Option 2
	MVLT Provides URD	Developer Provides URD
Amount due with signed proposal:	\$55,000	\$28,000
Amount Due Prior to Installation:	\$52,900	\$16,989
	\$107,900	\$44,989

Street Light Poles/Fixtures estimated installation time is 24-26 weeks from the date MVLT receives the signed proposal, pending material deliveries.

City Proposal Authorization

The City agrees to the locations, quantity and full service lighting charges for this project.

Signature: _____
(City Authorized Signature)

Date: _____

	Monthly Full-Service Lighting Charge	Total Monthly Charge	Total Annual Charge
10 Tier I LED Granville (Green)	\$20.89	\$208.90	\$2,506.80
10 12' Decorative Pole (Green)	\$16.23	\$162.30	\$1,947.60
1 Customer Meter Charge (DB)	\$8.60	\$8.60	\$103.20
Total Annual Lighting Charge (Paid by the City on Street Light Bill)			\$4,557.60

*Return Signed Proposal to Robyn Livesay (robyn.livesay@aes.com)

RECORDED PLAT NAME: _____ HUNTER'S PATH PHASE ONE _____
RECORDED BOOK: _____ 240 _____ **RECORDED PAGE:** _____ 13 _____
LOCATION / DISTRICT: _____ M60 / Clayton _____

CREATE PARCELS:
 (New Parcels)

DIST	BK / PG	INDEX	LOT / UNIT #	ACREAGE	NOTES
M60	03207	0107	1	0.1433	
M60	03207	0108	2	0.1612	
M60	03207	0109	3	0.1612	
M60	03207	0110	4	0.1501	
M60	03207	0111	5	0.1728	
M60	03207	0112	6	0.1867	
M60	03207	0113	7	0.1890	
M60	03207	0114	8	0.2544	
M60	03207	0115	9	0.1534	
M60	03207	0116	10	0.1478	
M60	03207	0117	11	0.1611	
M60	03207	0118	12	0.1611	
M60	03207	0119	13	0.1484	
M60	03207	0120	14	0.1867	
M60	03207	0121	15	0.2233	
M60	03207	0122	16	0.1714	
M60	03207	0123	17	0.1433	
M60	03207	0124	18	0.1433	
M60	03207	0125	19	0.1791	
M60	03207	0126	20	0.1570	
M60	03207	0127	21	0.1433	
M60	03207	0128	22	0.1433	
M60	03207	0129	23	0.1433	
M60	03207	0130	24	0.1991	
M60	03207	0131	25	0.2042	
M60	03207	0132	26	0.2299	
M60	03207	0133	27	0.2770	
M60	03207	0134	28	0.2331	
M60	03207	0135	29	0.2361	
M60	03207	0136	30	0.1788	
M60	03207	0137	31	0.1969	
M60	03207	0138	32	0.2098	
M60	03207	0139	33	0.2098	
M60	03207	0140	34	0.1972	
M60	03207	0141	35	0.1433	
M60	03207	0142	36	0.1433	
M60	03207	0143	37	0.1433	
M60	03207	0144	38	0.1433	

M60	03207	0145	39	0.1570	
M60	03207	0146	40	0.1649	
M60	03207	0147	41	0.1595	
M60	03207	0148	42	0.1747	
M60	03207	0149	43	0.1932	
M60	03207	0150	44	0.1437	
M60	03207	0151	45	0.1432	
M60	03207	0152	46	0.1432	
M60	03207	0153	47	0.1972	
M60	03207	0154	48	0.1948	
M60	03207	0155	49	0.1854	
M60	03207	0156	50	0.1869	
M60	03207	0157	51	0.1996	
M60	03207	0158	52	0.1433	
M60	03207	0159	53	0.1433	
M60	03207	0160	54	0.1570	
M60	03207	0161	55	0.1684	
M60	03207	0162	56	0.1778	
M60	03207	0163	57	0.2479	
M60	03207	0164	58	0.2190	
M60	03207	0165	59	0.1589	
M60	03207	0166	60	0.1828	
M60	03207	0167	61	0.1532	
M60	03207	0168	62	0.1701	
M60	03207	0169	63	0.1433	
M60	03207	0170	64	0.1433	
M60	03207	0171	65	0.1433	
M60	03207	0172	66	0.2007	
M60	03207	0173	67	0.8956	OPEN SPACE
M60	03207	0174	68	3.1043	OPEN SPACE
M60	03207	0175	69	0.9014	OPEN SPACE

MODIFY PARCELS: (Acreage Adjustments)

DIST	BK / PG	INDEX	LOT / UNIT #	BEGINNING ACREAGE	ENDING ACREAGE	NOTES
M60	03207	0022	STR	39.465	19.2954	

Hunter's Path Address List

Lot #	Phase #	Parcel #	Address	City, State Zip	Notes
1	1	M60 03207 0107	1001 Redwood Road	Clayton, OH 45315	
2	1	M60 03207 0108	1003 Redwood Road	Clayton, OH 45315	
3	1	M60 03207 0109	1005 Redwood Road	Clayton, OH 45315	
4	1	M60 03207 0110	1007 Redwood Road	Clayton, OH 45315	
5	1	M60 03207 0111	1009 Redwood Road	Clayton, OH 45315	
6	1	M60 03207 0112	1011 Redwood Road	Clayton, OH 45315	
7	1	M60 03207 0113	1013 Redwood Road	Clayton, OH 45315	
8	1	M60 03207 0114	1015 Redwood Road	Clayton, OH 45315	
9	1	M60 03207 0115	3022 Falls Road	Clayton, OH 45315	
10	1	M60 03207 0116	3024 Falls Road	Clayton, OH 45315	
11	1	M60 03207 0117	3027 Falls Road	Clayton, OH 45315	
12	1	M60 03207 0118	3025 Falls Road	Clayton, OH 45315	
13	1	M60 03207 0119	3023 Falls Road	Clayton, OH 45315	
14	1	M60 03207 0120	3021 Falls Road	Clayton, OH 45315	
15	1	M60 03207 0121	1017 Redwood Road	Clayton, OH 45315	
16	1	M60 03207 0122	1019 Redwood Road	Clayton, OH 45315	
17	1	M60 03207 0123	1021 Redwood Road	Clayton, OH 45315	
18	1	M60 03207 0124	1023 Redwood Road	Clayton, OH 45315	
19	1	M60 03207 0125	1027 Redwood Road	Clayton, OH 45315	
20	1	M60 03207 0126	1029 Redwood Road	Clayton, OH 45315	
21	1	M60 03207 0127	1031 Redwood Road	Clayton, OH 45315	
22	1	M60 03207 0128	1033 Redwood Road	Clayton, OH 45315	
23	1	M60 03207 0129	1035 Redwood Road	Clayton, OH 45315	
24	1	M60 03207 0130	1037 Redwood Road	Clayton, OH 45315	
25	1	M60 03207 0131	6270 Fallgold Drive	Clayton, OH 45315	
26	1	M60 03207 0132	6268 Fallgold Drive	Clayton, OH 45315	
27	1	M60 03207 0133	6266 Fallgold Drive	Clayton, OH 45315	
28	1	M60 03207 0134	6264 Fallgold Drive	Clayton, OH 45315	
29	1	M60 03207 0135	6261 Fallgold Drive	Clayton, OH 45315	
30	1	M60 03207 0136	6263 Fallgold Drive	Clayton, OH 45315	
31	1	M60 03207 0137	6265 Fallgold Drive	Clayton, OH 45315	
32	1	M60 03207 0138	6267 Fallgold Drive	Clayton, OH 45315	
33	1	M60 03207 0139	6269 Fallgold Drive	Clayton, OH 45315	
34	1	M60 03207 0140	5001 Willow Road	Clayton, OH 45315	
35	1	M60 03207 0141	5003 Willow Road	Clayton, OH 45315	
36	1	M60 03207 0142	5005 Willow Road	Clayton, OH 45315	
37	1	M60 03207 0143	5007 Willow Road	Clayton, OH 45315	
38	1	M60 03207 0144	5009 Willow Road	Clayton, OH 45315	
39	1	M60 03207 0145	5011 Willow Road	Clayton, OH 45315	
40	1	M60 03207 0146	5013 Willow Road	Clayton, OH 45315	
41	1	M60 03207 0147	5015 Willow Road	Clayton, OH 45315	
42	1	M60 03207 0148	5017 Willow Road	Clayton, OH 45315	
43	1	M60 03207 0149	5019 Willow Road	Clayton, OH 45315	
44	1	M60 03207 0150	5021 Willow Road	Clayton, OH 45315	
45	1	M60 03207 0151	5023 Willow Road	Clayton, OH 45315	
46	1	M60 03207 0152	5025 Willow Road	Clayton, OH 45315	

Hunter's Path Address List

Lot #	Phase #	Parcel #	Address	City, State Zip	Notes
47	1	M60 03207 0153	5026 Willow Road	Clayton, OH 45315	
48	1	M60 03207 0154	5024 Willow Road	Clayton, OH 45315	
49	1	M60 03207 0155	5022 Willow Road	Clayton, OH 45315	
50	1	M60 03207 0156	5020 Willow Road	Clayton, OH 45315	
51	1	M60 03207 0157	5018 Willow Road	Clayton, OH 45315	
52	1	M60 03207 0158	1026 Redwood Road	Clayton, OH 45315	
53	1	M60 03207 0159	1024 Redwood Road	Clayton, OH 45315	
54	1	M60 03207 0160	1022 Redwood Road	Clayton, OH 45315	
55	1	M60 03207 0161	1020 Redwood Road	Clayton, OH 45315	
56	1	M60 03207 0162	1018 Redwood Road	Clayton, OH 45315	
57	1	M60 03207 0163	1016 Redwood Road	Clayton, OH 45315	
58	1	M60 03207 0164	3019 Falls Road	Clayton, OH 45315	
59	1	M60 03207 0165	3017 Falls Road	Clayton, OH 45315	
60	1	M60 03207 0166	1012 Redwood Road	Clayton, OH 45315	
61	1	M60 03207 0167	1010 Redwood Road	Clayton, OH 45315	
62	1	M60 03207 0168	1008 Redwood Road	Clayton, OH 45315	
63	1	M60 03207 0169	1006 Redwood Road	Clayton, OH 45315	
64	1	M60 03207 0170	1004 Redwood Road	Clayton, OH 45315	
65	1	M60 03207 0171	1002 Redwood Road	Clayton, OH 45315	
66	1	M60 03207 0172	1000 Redwood Road	Clayton, OH 45315	
67	1	M60 03207 0173	3026 Falls Road	Clayton, OH 45315	Open Space
68	1	M60 03207 0174	1025 Redwood Road	Clayton, OH 45315	Open Space
69	1	M60 03207 0175	1014 Redwood Road	Clayton, OH 45315	Open Space