

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2009-044

BY: Mayor Perciak and All Members of Council

A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF WEBSTER ROAD AND CERTAIN OTHER STREETS AND EASEMENTS BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS AND MANHOLES, INSTALLING SANITARY SEWER SERVICE CONNECTIONS, AND REPLACING, WHERE NECESSARY, PAVEMENT, DRIVEWAYS AND CULVERTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Assessment Equalization Board appointed by Resolution No. 2009-001 adopted by this Council on January 5, 2009, to hear and determine all objections to the estimated special assessments for the improvement of Webster Road from Blazey Trail (also known as Blazey Road) thence southerly approximately 2,424 feet to a point, the entire lengths of Blazey Trail (also known as Blazey Road), Ruth Drive and Janette Avenue, and easements of the City from the southerly terminus of Janette Avenue thence westerly approximately 1,073 feet to an existing gravity sewer by constructing sanitary sewers and manholes, installing sanitary sewer service connections, and replacing, where necessary, pavement, driveways and culverts, all together with the necessary appurtenances thereto, in accordance with Resolution No. 2008-200 adopted by this Council on October 6, 2008, has filed its report with this Council as to its determination of the objections, a copy of which is attached hereto as Attachment I; and

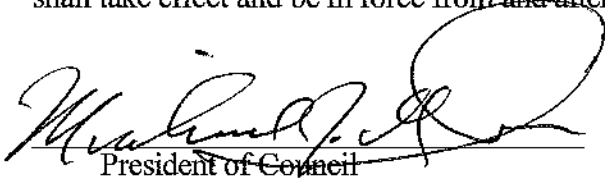
WHEREAS, Council has reviewed that report and deems it proper in all respects;

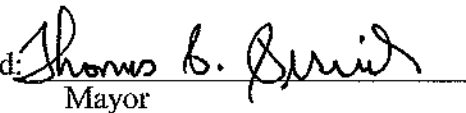
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO, that:

Section 1. The report of the Assessment Equalization Board referred to in the preambles to this resolution and attached hereto as Attachment I is approved. The estimated special assessments as adjusted, equalized and reported by the Board shall be filed in the office of the Clerk of Council. This Council further finds, determines and confirms that the recommendation in such report with respect to the deferment of the collection of the twenty annual installments of the special assessment to be levied on Permanent Parcel No. 398-26-004 is fair, just and equitable under the circumstances, and is therefore approved.

Section 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

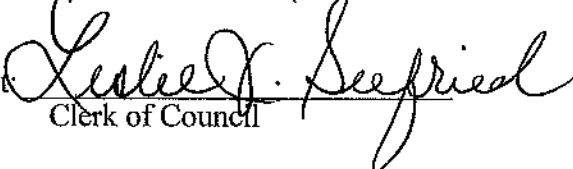
Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this resolution is required to be immediately effective to provide for the construction of the improvement, which is needed to eliminate hazards to the safety and health of the residents of the City by providing a system of centralized sewage collection, disposal and treatment; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least five members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.


President of Council

Approved: 
Mayor

Adopted: March 16, 2009

Date approved: March 17, 2009

Attest: 
Clerk of Council

RES
ORD. No. 2009-044 Removed: _____
1st Rdg. 3-16-09 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 3-16-09 Defeated: _____

Attachment I

REPORT OF ASSESSMENT EQUALIZATION BOARD

To the Council of the City of Strongsville, Ohio:

We, the Assessment Equalization Board appointed and acting pursuant to Resolution No. 2009-001 adopted January 5, 2009, report that at the time and place fixed by that resolution for its first meeting we took the oath of office and thereafter held meetings on February 9, 2009 and February 23, 2009 at which we heard and determined all the objections of the property owners who filed objections to the estimated special assessments for the improvement of Webster Road from Blazey Trail (also known as Blazey Road) thence southerly approximately 2,424 feet to a point, the entire lengths of Blazey Trail (also known as Blazey Road), Ruth Drive and Janette Avenue, and easements of the City from the southerly terminus of Janette Avenue thence westerly approximately 1,073 feet to an existing gravity sewer by constructing sanitary sewers and manholes, installing sanitary sewer service connections, and replacing, where necessary, pavement, driveways and culverts, all together with the necessary appurtenances, in accordance with Resolution No. 2008-200 adopted October 6, 2008 (the "Resolution"), declaring the necessity of that improvement, and thereafter equalized those assessments as described below.

This Board has considered each of the objections to the estimated special assessments, or to the amount and apportionment of those special assessments, and, except with respect to its findings and recommendations related to Permanent Parcel Nos. 398-23-002 and 398-26-004 set forth below, finds the objections are not well taken and therefore overrules and denies them.

This Board finds that there is no new lateral connection necessary for Permanent Parcel No. 398-23-002, owned by David M. Grega, and therefore recommends that the estimated special assessment against that property should be reduced from \$16,330.00 to \$10,730.00.

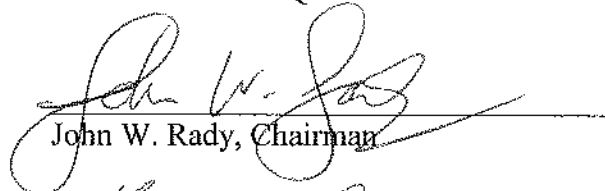
This Board finds that Ahmad H. Shatila, the owner of Permanent Parcel No. 398-26-004, entered into an agreement with the City in 1998 granting him a ten year extension from connecting to this improvement after it becomes operational and which extension was approved by the Cuyahoga County Board of Health. The Resolution provides that the special assessment to be levied on this property shall be paid in twenty annual installments with interest; this Board recommends that the City honor that agreement by deferring the collection of those twenty annual installments so that the collection thereof (by an installment being included in the tax bill for the property) over a period of twenty years would not commence until the tenth year following the year in which the improvement is operational (as evidenced by the passage by City Council of the assessing ordinance levying the special assessments for the improvement after its completion) and that the interest included in those twenty annual installments shall be the same amount of interest as would have been included if there was no such deferral of the commencement of the collection thereof. Aside from the foregoing recommendation, this Board hereby confirms the estimated special assessment of \$12,330 with respect to this property.

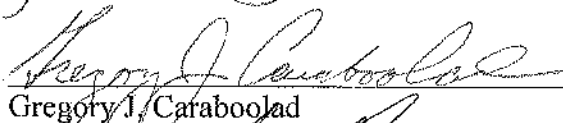
This Board does not recommend increasing the estimated special assessment against any lot or land or assessing any lot or land not included in the estimated special assessments.

The Board also finds that the estimated special assessments for this improvement on file with the Clerk of Council, as so adjusted and equalized, are in accordance with the provisions of the Resolution and are limited as to each lot and parcel of land to the special benefits conferred thereon, and those estimated special assessments as adjusted and equalized are therefore approved.

This Board finds and determines that all formal actions of this Board concerning and relating to the rendering of this report were adopted in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.

ASSESSMENT EQUALIZATION BOARD

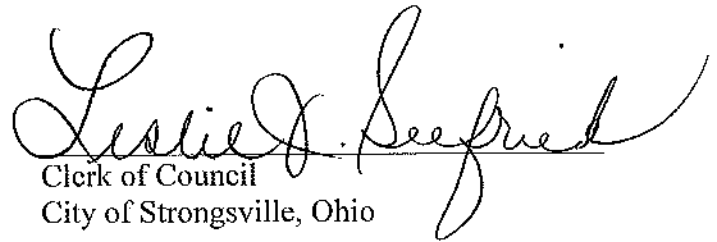

John W. Rady, Chairman


Gregory J. Caraboolad


Robert R. Lucarelli

I certify that the foregoing is a true and correct copy of the report of the Assessment Equalization Board and the report is on file with me as Clerk of Council on the date set forth below.

Dated: March 10, 2009


Clerk of Council
City of Strongsville, Ohio