

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 001

BY: Mayor Perciak and All Members of Council

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF WEST 130TH STREET, WEBSTER ROAD AND ROYALTON ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS, PUMPS, CATCH BASINS AND MANHOLES, INSTALLING SANITARY SEWER SERVICE CONNECTIONS, AND REPLACING, WHERE NECESSARY, PAVEMENT, DRIVEWAY APRONS, STORM SEWERS AND CULVERTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the improvement described in Section 1 has been completed, the final cost of that improvement has been determined, and the final special assessments for that improvement have been determined in accordance with (i) Resolution No. 2012-119 adopted on July 16, 2012, (ii) the report of the Assessment Equalization Board approved by Resolution No. 2012-189 adopted on November 19, 2012, and (iii) Ordinance No. 2012-190 passed on November 19, 2012 (collectively, the Prior Proceedings);

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

Section 1. The special assessments for the cost and expense of improving West 130th Street from Royalton Road to approximately 3,300 feet north of Royalton Road, Webster Road from Royalton Road to approximately 1,200 feet north of Royalton Road, and Royalton Road from Webster Road to approximately 400 feet east of Webster Road by constructing sanitary sewers, pumps, catch basins and manholes, installing sanitary sewer service connections, and replacing, where necessary, pavement, driveway aprons, storm sewers and culverts, all together with the necessary appurtenances thereto, pursuant to the Prior Proceedings, amounting in the aggregate to \$314,755.42, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Accordingly, those special assessments are levied and assessed upon the properties provided for in the Prior Proceedings in the respective amounts set forth in those schedules of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. This Council finds and determines that the special assessments are in the same proportion to the estimated special assessments as the actual net cost of the portion of the improvement to be assessed is to the estimated cost thereof as originally filed.

Section 3. The special assessment against each of those properties shall be payable in cash within 30 days after the passage of this ordinance, or at the option of the owner in twenty annual installments with interest at the rate of 3.03% per year, which is the rate of interest determined by the Council to be substantially equivalent to the fair market rate that would be borne by securities issued in anticipation of the collection of the special assessments if those securities had been issued by the City. All cash payments shall be made to the Director of Finance of this City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 4. The Clerk of Council shall cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in the office of the Clerk of Council the special assessments.

Section 5. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 20 days after its passage.

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance 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 7. This ordinance is 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 the levy of the special assessments may be immediately effective so that collection of such assessments can be made at the earliest possible time in order to repay moneys advanced by this City in anticipation of the levy and collection of such assessments and thereby preserve the finances and credit of this City; wherefore, this ordinance shall be in full force and effect immediately upon its passage 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.

Michael Daymut
 President of Council

Approved: Thomas B. Berier
 Mayor

Date Passed: January 5, 2015
 Yea Nay

Date Approved: January 6, 2015

Carbone	<u>Absent</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Maloney	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: Aimee Pientka
 Clerk of Council

ORD. No. 2015-001 Amended: _____
 1st Rdg. 01-05-15 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 01-05-15 Defeated: _____