

7/21/14
(Special Meeting)

L-161-14 vaz

ORDINANCE NO. 161-14

BY: **JEFFREY CROSSMAN**
(By Request – City Engineer)

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR IMPROVEMENTS TO PARKHAVEN DRIVE AND A PORTION OF BROADVIEW ROAD IN THE CITY OF PARMA, OHIO, CONSISTING OF THE CONSTRUCTION OF SANITARY SEWERS AND A REPLACEMENT WATER MAIN TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, Resolution No. 274-11, adopted by this Council on December 5, 2011, declared it necessary to improve Parkhaven Drive and a portion of Broadview Road, by constructing sanitary sewers and replacement of a water main, together with all appurtenances necessary and proper therefore and to assess a portion of the cost of said improvement to the lots and lands identified on Exhibit A of said Resolution; and,

WHEREAS, Ordinance No. 92-12, passed by this Council on May 21, 2012, determined to proceed with the improvement and adopted and approved the estimated special assessments previously prepared and filed in the Office of the Clerk of Council, as amended; and,

WHEREAS, an Assessment Equalization Board was empaneled according to law, and having conducted hearings on objections, submitted its report to Council, which was accepted by Resolution No. 91-12; and,

WHEREAS, the actual cost of the improvement has been ascertained, and the estimated special assessments have been adjusted as a result thereof and in accordance with applicable law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. The special assessments for the cost and expense of improving in the City of Parma, Ohio, the specified parcels of land on Parkhaven Drive and a portion of Broadview in the City of Parma, Ohio, by providing sanitary sewer improvements and replacement of a water main, together with all appurtenances necessary and proper therefore, in accordance with Resolution No. 274-11, adopted December 5, 2011, with sewer improvements at the location specified in Exhibit A attached to that resolution and incorporated herein, amounting in the aggregate to \$338,434.22, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 274-11, in the respective amounts set forth in the schedule of special assessments on file with the Clerk of Council, which special assessments are levied in accordance with Resolution No. 274-11 by the front foot of the property assessed. The assessments are not in excess of any statutory limitation.

Section 2. The special assessment against each lot or parcel of land shall be payable in twenty (20) annual installments with interest at the same rate as the bonds issued in anticipation of the collection of the assessments; provided that the owner of any property assessed may pay the special assessment in cash within thirty (30) days after the passage of this ordinance. All cash payments shall be made to the Clerk of Council of this City. All special assessments remaining unpaid at the expiration of that thirty (30) days shall be certified by the Clerk of this Council to the County Fiscal Officer as provided by law to be placed on the tax duplicate and collected as other taxes are collected.

Ord. levying special assessments for improvements to Parkhaven Drive and a portion of Broadview Road in the City of Parma, Ohio, consisting of the construction of sanitary sewers and replacement of a water main together with all necessary appurtenances thereto, and declaring an emergency

Section 3. 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 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Fiscal Officer within twenty (20) days after its passage.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary so that the assessments herein levied, after the expiration of the cash payment period, can be certified to the County Fiscal Officer before the 2014 deadline for the 2015 collection and thereby assure the availability of revenues to pay the debt service on the bonds to be issued in anticipation of the collection of the assessments, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO