

ORDINANCE NO. 57-2010
INTRODUCED BY: Mayor and All of Council

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN PROPERTIES IN THE CITY OF RICHMOND HEIGHTS BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH CONNECTIONS THEREFOR AND THE NECESSARY APPURTENANCES THERETO, IN THE RICHMOND ROAD SIDE STREETS (HORIZON DRIVE, SWETLAND BOULEVARD, NAN LINN DRIVE, KAREN ISLE DRIVE, ALLENDALE DRIVE, AND FAIRLAWN DRIVE) VICINITY; AND DECLARING AN EMERGENCY.

WHEREAS, the improvement described in Section 1 below has been completed and the final cost of that improvement has been determined;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: The special assessments for the cost and expense of improving, in the City of Richmond Heights, the properties described in Section 4 of Resolution No.73-2005, adopted on November 29, 2005, by the installation of the following sanitary sewers, together with connections and all necessary appurtenances: In Horizon Drive from Richmond Road to approximately 1000 feet westerly thereof; Swetland Boulevard from Richmond Road to approximately 2000 feet westerly and southerly to Karen Isle Drive; Nan Linn Drive from Richmond Road to approximately 1500 feet westerly to Swetland Boulevard; Karen Isle Drive from Richmond Road to approximately 1700 feet westerly thereof; Allendale Drive from Richmond Road to approximately 1200 feet westerly to Fairlawn Drive; Fairlawn Drive north and south of Allendale Drive; City and/or County owned property from Richmond Road to approximately 1300 feet westerly thereof; and in easements adjacent to Horizon Drive, Swetland Boulevard, Karen Isle Drive and Allendale Drive, pursuant to Resolution No.73-2005, amounting in total to \$1,871,158.31, which were filed and are on file with the Clerk of Council and dated August 16, 2010, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 73-2005 in the respective amounts set forth in the schedule 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 cost of the improvement is to the estimated cost of the improvement as originally filed.

Section 3: The special assessment against each lot or parcel of land shall be payable in whole or in part in cash or by check on or before 4:00 p.m. on September 23, 2010, or, at the option of the owner, in twenty annual installments with interest at a rate of interest not to exceed the rate of interest as provided in the agreement heretofore entered into between the City and the Ohio Water Development Authority providing for the financing of that improvement, which is 3.25%. All payments in cash or by check shall be made to the Director of Finance of this City. All special assessments remaining unpaid at the expiration of that cash payment period shall remain in the certification sent 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, and the unpaid special assessments levied thereby, to the County Auditor on or before the statutory deadline in September, 2009.

Section 6: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its 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 this City and for the further reason that this Ordinance must be immediately effective so that the levy of the special assessments is effective at once to begin the cash payment period in order to enable the City to certify the special assessments to the County Auditor by the statutory deadline in September 2010, for necessary collection in 2011; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2010

Daniel J. Ursu, Mayor

APPROVED: _____, 2010

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council