

**ORDINANCE NO. 34-2022**

**INTRODUCED BY: Mayor James P. Graven and Council as a Whole**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF COLUMBIA ROAD, COOK ROAD, CRANAGE ROAD, ELM STREET, MAIN STREET, MAPLEWAY DRIVE, NOBOTTOM ROAD, RIVER ROAD AND WATER STREET BETWEEN CERTAIN TERMINI, AND THE ENTIRE LENGTH OF CLARK STREET, INLAND DRIVE AND MYRTLE AVENUE, BY CONSTRUCTING SANITARY SEWERS AND CONNECTIONS WHERE THEY DO NOT NOW EXIST, REPLACING EXISTING WATER MAINS AND CONNECTIONS, CONSTRUCTING TWO NEW PUMP STATIONS, ABANDONMENT OF THE EXISTING MAIN STREET WASTEWATER TREATMENT PLANT, AND RELATED RESURFACING AND PAVING, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND DECLARING AN EMERGENCY**

**WHEREAS**, the improvement described in Section 1 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 OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1.** Levy of Special Assessments. The special assessments for the cost and expense of improving, in the City of Olmsted Falls, the properties described in Section 4 of Resolution No. 56-2016, adopted on October 24, 2016, by grading, draining, resurfacing, paving and constructing sanitary sewers (i) Columbia Road from its intersection with Water Street northerly to its intersection with Nobottom Road, (ii) Cook Road from its intersection with Columbia Road westerly to the City's corporate limit, (iii) Cranage Road from its intersection with Mapleway Drive westerly to the City's corporate limit, (iv) Elm Street from its intersection with Brookside Drive easterly to its intersection with Columbia Road, (v) Main Street from its intersection with Water Street southerly to the southerly line of lots and lands identified in the records of the Cuyahoga County Fiscal Officer as Permanent Parcel No. 281-06-015, (vi) Mapleway Drive from a point approximately 151 feet north of its intersection with Elm Street north to its intersection with Cook Road, (vii) Nobottom Road from its intersection with Columbia Road easterly to the eastern line of the lots and lands identified in the records of the Cuyahoga County Fiscal Officer as Permanent Parcel No. 262-19-007, (viii) River Road from its intersection with Water Street northeasterly to its intersection with Nobottom Road, (ix) Water Street from a point approximately 620 feet westerly of Brookside Drive easterly approximately to its intersection with River Road and (x) the entire length of Clark Street, Inland Drive and Myrtle Avenue by constructing sanitary sewers and connections where they do not now exist, replacing existing water mains and connections, constructing two new pump stations, abandonment of the existing Main Street Wastewater Treatment Plant, and related resurfacing and paving, together with all necessary appurtenances thereto and real estate or interests therein required therefor in the manner provided in Resolution No. 56-2016, amounting in total to \$3,618,969.00, 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. 56-2016, in the respective amounts set forth on the schedule of special assessments on file, which special assessments are not in excess of any statutory limitation.

**SECTION 2.** Determination of Proportionality of Special Assessments. 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.** Annual Installments; Interest Rate. The special assessment against each lot or parcel of land shall be payable in whole or in part in cash or by check within 30 days after the passage of this Ordinance, or at the option of the owner in 20 annual installments with interest at the rate of 1.81% per year, which is the interest rate the City is obligated to pay pursuant to the agreement between the City and the Ohio Water Development Authority under which that portion of the cost of the improvement has been financed. All payments in cash or by check shall be made to the Director of Finance of the City. All special assessments remaining unpaid at the expiration of that cash payment period 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.** Publication of Notice. 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 the City and shall keep on file in the office of the Clerk of Council the special assessments.

**SECTION 5.** Certification and Delivery of Ordinance. The Clerk of Council shall deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Auditor within 20 days after its passage.

**SECTION 6.** Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or 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.** Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

**SECTION 8.** Declaration of Emergency; Effective Date. 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 to meet a situation affecting health, property and the public peace, and for the further reason that this Ordinance is required to be immediately effective so that the levy of the special assessments may be immediately effective so that obligations incurred pursuant to the agreement between the City and the Ohio Water Development Authority may be retired from the collection of those special assessments, which assessments must be certified to the County Auditor by the date established by law; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by not less than five affirmative votes of Council and approval by the Mayor.

PASSED: \_\_\_\_\_  
*Cornel Munteanu, President of Council*

APPROVED BY: \_\_\_\_\_  
*James P. Graven, Mayor* \_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Andrew D. Bemer, Law Director*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*