

RESOLUTION NO. 2019-37

Introduced By: Mayor Michael Dylan Brennan

A RESOLUTION OF NECESSITY FOR SPECIAL ASSESSMENTS FOR THE COST OF CONSTRUCTING, MAINTAINING, REPAIRING AND CLEANING OF THE CITY'S SANITARY SEWER SYSTEM, AND DECLARING AN EMERGENCY

WHEREAS, the City of University Heights provides for the constructing, maintaining, repairing, and cleaning of sanitary sewers within the City; and

WHEREAS, funding is necessary to pay for the costs of constructing, maintaining, repairing, and cleaning of sanitary sewers within the City; and

WHEREAS, the City seeks to levy a special assessment pursuant to Ohio Revised Code Chapter 727 for the funding of the costs of constructing, maintaining, repairing, and cleaning of sanitary sewers within the City.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. The Council finds it necessary for public safety, health, and welfare of the City to assess the cost and expense necessary to provide ongoing improvements in the form of constructing, maintaining, repairing, and cleaning of sanitary sewers within the City.

Section 2. The Council determines the estimated annual cost of providing ongoing improvements in the form of constructing, maintaining, repairing, and cleaning of sanitary sewers to be a minimum of \$758,761. The plans, specifications, profiles, and estimates of cost for the construction, maintenance, repairing and cleaning of the sanitary sewers are on file with the Clerk of Council and are hereby approved.

Section 3. The Council determines two percent (2%) of the \$758,761 minimum cost providing ongoing improvements in the form of constructing, maintaining, repairing, and cleaning of sanitary sewers shall be paid from City resources other than special assessments.

Section 4. The Council determines the remaining ninety-eight percent (98%) of the \$758,761 minimum cost of providing ongoing improvements in the form of constructing, maintaining, repairing, and cleaning of sanitary sewers shall be assessed upon all property within the City.

Section 5. The Council determines the special assessment shall be levied in proportion to the benefits received by all property within the City. The Council determines the most reasonable method of apportioning the benefits receive by all property within the City is based upon a system of Sewer Base Units. The Council determines all property within the City shall be levied \$64.00 for sewer operating costs per Sewer Base Unit calculated per parcel and \$14.00 for sewer debt service and capital costs per Sewer Base Unit calculated per parcel. The Council determines said special assessment shall be levied in two annual installments per property tax year.

Section 6. The Council determines the parcels of the following categories of residential land use shall be assessed for the following number of Sewer Base Units.

- a) 1-FAMILY PLATTED LOT shall assessed for ONE Sewer Base Unit
- b) 2-FAMILY PLATTED LOT shall assessed for TWO Sewer Base Units
- c) 3-FAMILY PLATTED LOT shall assessed for THREE Sewer Base Units
- d) RESIDENTIAL CONDO shall assessed for ONE Sewer Base Unit
- e) RESIDENTIAL VACANT LAND shall assessed for ZERO Sewer Base Units
- f) OTHER RESIDENTIAL PLATTED shall assessed for ZERO Sewer Base Units

Section 7. The Council determines the parcels with any type of apartment land use category identifying the parcel as containing more than three apartment units shall be assessed for ONE Sewer Base Units per apartment unit contained on the parcel. The Council determines

when an apartment building containing more than three apartment units is situated upon more than one parcel of common ownership, all of the assessed Sewer Base Units of that apartment building may be assessed to just one of the parcels with common ownership, as deemed appropriate by the Finance Director. The final determination of the number of apartment units per building and/or parcel shall be made by the Finance Director based upon information obtained from the Building Department, Housing Department, and/or Fire Prevention Bureau of the City.

Section 8. The Council determines all remaining parcels within the City shall be assessed ONE Sewer Base Units per two thousand (2,000) square feet of parcel land area.

Section 9. The Council determines the land use categories and parcel land area used in the above categorizations and calculations shall be based upon the data contained in the parcel listings provided by County Fiscal Officer of Cuyahoga County, Ohio.

Section 10. The Finance Director shall prepare an estimated assessment in accordance with the special assessment methodology described above. Said estimated assessment shall identify the amount of the special assessment against each assessed parcel. The Finance Director shall file a copy of said estimated assessment with the Clerk of Council.

Section 11. The Council determines the method of collection of said special assessment shall be via certification by the Finance Director of said special assessments to the County Fiscal Officer of Cuyahoga County, Ohio, for collection in the same manner as City property taxes upon the property tax duplicates for collection in the subsequent year. The Finance Director shall perform the certification of said special assessment each tax year this Resolution of Necessity remains in effect commencing with tax year 2019 for collections in 2020.

Section 12. No notes or bonds shall be issued in anticipation of the collection of said special assessment.

Section 13. The Council finds and determines that all formal actions of this Council relating to the adoption of this resolution have been taken at open meetings of this Council, and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 14. This Resolution is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights, the emergency being the need to certify special assessments to the County Fiscal Office by the September deadline. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

City of University Heights, Ohio


Michael Dylan Brennan, Mayor

Passed: July 1, 2019

Attest: Kelly M. Thomas
Kelly M. Thomas, Clerk of Council

Approved
as to form: Luke F. McConville
Luke F. McConville, Law Director