

**RESOLUTION NO. 2019-38**

Introduced By: Mayor Michael Dylan Brennan

**A RESOLUTION OF NECESSITY FOR SPECIAL ASSESSMENTS FOR THE COST OF PLANTING, MAINTAINING, TRIMMING, AND REMOVING SHADE TREES, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of University Heights provides for the planting, maintaining, trimming, and removing of shade trees along the streets of the City; and

**WHEREAS**, funding is necessary to pay for the costs of planting, maintaining, trimming, and removing shade trees along the streets of 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 planting, maintaining, trimming, and removing shade trees along the streets of 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 the public health and welfare of the City to assess the cost and expense necessary to provide ongoing improvements in the form of planting, maintaining, trimming, and removing shade trees along the streets of the City.

Section 2. The Council determines the estimated annual cost of providing ongoing improvements in the form of planting, maintaining, trimming, and removing shade trees to be a minimum of \$167,959. The plans, specifications, profiles, and estimates of cost for the planting, maintaining, trimming and removal of shade trees are on file with the Clerk of Council and are hereby approved.

Section 3. The Council determines two percent (2%) of the \$167,959 minimum cost of providing ongoing improvements in the form of planting, maintaining, trimming, and removing shade trees shall be paid from City resources other than special assessments.

Section 4. The Council determines the remaining ninety-eight percent (98%) of the \$167,959 minimum cost of providing ongoing improvements in the form of planting, maintaining, trimming, and removing shade trees shall be assessed upon all property abutting any of the streets of the City.

Section 5. The Council determines the special assessment shall be levied based upon the foot frontage of all property abutting any of the streets of the City at a rate of seventy cents (\$0.70) per frontage foot per property tax year. The Council determines the foot frontage in the parcel listings provided by County Fiscal Officer of Cuyahoga County, Ohio, shall be used in the calculation of said special assessment. The Council determines said special assessment shall be levied in two annual installments per property tax year.

Section 6. 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 7. 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 8. No notes or bonds shall be issued in anticipation of the collection of said special assessment.

Section 9. The Council finds and determined 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 10. 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, Clerk of Council

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