

ORDINANCE NO. 2019-46

Introduced By: Mayor Michael Dylan Brennan

AN ORDINANCE DETERMINING COUNCIL INTENT TO PROCEED WITH SPECIAL ASSESSMENTS FOR THE COST OF CONSTRUCTING, MAINTAINING REPAIRING, AND CLEANING OF THE SANITARY SEWER SYSTEM WITHIN THE CITY, AND DECLARING AN EMERGENCY

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

WHEREAS, the City Council of the City of University Heights has adopted, pursuant to Ohio Revised Code Section 727.12, a Resolution of Necessity (Resolution 2019-37) for sewer specials assessments to fund the costs of constructing, maintaining, repairing, and cleaning sanitary sewers within the City; and

WHEREAS, the Assessment Equalization Board appointed, pursuant to Ohio Revised Code Section 727.16, by the City Council of the City of University Heights held hearings on Tuesday August 27, 2019 to hear objections filed in response the Resolution of Necessity (Resolution 2019-37) for sewer specials assessments; and

WHEREAS, pursuant to Ohio Revised Code Section 727.17, the City Council of the City of University Heights has accepted the recommendations of the Assessment Equalization Board resulting from the hearings on Tuesday August 27, 2019; and

WHEREAS, no claims of damages resulting from the constructing, maintaining, repairing, and cleaning sanitary sewers with the City have been filed with the City of University Heights, pursuant to Ohio Revised Code Section 727.18.

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 proceed with the assessment of 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 adopts the recommendation of the Assessment Equalization Board to incorporate the agreement reached by John Carroll University and the City of University Heights on August 27, 2019 ("Agreement") into the special assessment rate and methodology proposed by the Resolution of Necessity (Resolution # 2019-37). The Agreement is attached as Exhibit 1 to this Ordinance, and is incorporated into this Ordinance by reference as Exhibit 1.

Section 3. Subject to the changes directed by the Agreement, Council adopts the Estimated Assessment as prepared by the Finance Director and filed by the Finance Director with the Clerk of Council on July 2, 2019 in response to the passage of the Resolution of Necessity (Resolution # 2019-37).

Section 4. The Council directs the Clerk of Council to file with the Cuyahoga County Fiscal Officer, pursuant to Ohio Revised Code Section 319.61, a copy of this Ordinance Determining Council Intent to Proceed with Special Assessments for the costs of constructing, maintaining, repairing, and cleaning sanitary sewers with the City.

Section 5. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance 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 6. This Ordinance 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: 09/04/2019

Attest: 
Kelly M. Thomas, Clerk of Council

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