

RESOLUTION NO. 2019-49

Introduced By: Mayor Michael Dylan Brennan

A RESOLUTION LEVYING TAX YEAR 2019 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 the constructing, maintaining, repairing, and cleaning of sanitary sewers within 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 operating and sewer capital special assessments to fund the costs of providing ongoing improvements in the form of constructing, maintaining, repairing, and cleaning of 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 street lighting 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, the City Council of the City of University Heights has adopted, pursuant to Ohio Revised Code Section 727.23, an Ordinance to Proceed (Ordinance 2019-46) for sewer operating and sewer capital special assessments to fund the costs of providing ongoing improvements in the form 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 levies a special assessment, for the cost and expense necessary to provide ongoing improvements in the form of constructing, maintaining, repairing, and cleaning of sanitary sewers within the City, upon all property within the City at a rate of \$64.00 for sewer operating costs per Sewer Base Unit and \$14.00 for sewer debt service and capital costs per Sewer Base Unit for tax year 2019. The Council determines the square footage 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 installments for tax year 2019.

Section 2. The Finance Director shall prepare an assessment for tax year 2019 in accordance with the special assessment methodology described above. Said assessment shall identify the amount of the special assessment against each assessed parcel. The Finance Director shall file a copy of said assessment with the Clerk of Council.

Section 3. 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 be assessed for ONE Sewer Base Unit
- b) 2-FAMILY PLATTED LOT shall be assessed for TWO Sewer Base Units
- c) 3-FAMILY PLATTED LOT shall be assessed for THREE Sewer Base Units
- d) RESIDENTIAL CONDO shall be assessed for ONE Sewer Base Unit

- e) RESIDENTIAL VACANT LAND shall be assessed for ZERO Sewer Base Units
- f) OTHER RESIDENTIAL PLATTED shall be assessed for ZERO Sewer Base Units

Section 4. The Council incorporates the agreement reached by John Carroll University and the City of University Heights on August 27, 2019 (“Agreement”), and adopted by Council based upon the recommendation of the Assessment Equalization Board, into this Resolution by reference as Exhibit 1.

Section 5. The Council determines that in accordance with the Agreement, the following parcels with single family homes shall be treated as “1-FAMILY PLATTED LOT” land use code until action is taken by the City of University Heights and John Carroll University to correct the land use code and/or code the parcels with the County Fiscal Officer of Cuyahoga County, Ohio, as residential parcels:

- 721-05-023 2582 Milford Road Single Family House
- 721-05-024 2574 Milford Road Single Family House
- 721-05-036 2560 Miramar Blvd. Single Family House
- 721-05-037 2554 Miramar Blvd. Single Family House
- 721-05-039 2542 Miramar Blvd. Single Family House
- 721-05-040 2536 Miramar Blvd. Single Family House
- 721-05-041 2520 Miramar Blvd. Single Family House
- 721-06-018 2590 Milford Road Single Family House
- 721-06-019 2596 Milford Road Single Family House
- 721-06-020 2602 Milford Road Single Family House
- 721-06-021 2614 Milford Road Single Family House

Section 6. The Council determines that in accordance with the Agreement, the following parcels sharing a single-family home, primarily constructed on Parcel #721-05-41, shall be treated as “OTHER RESIDENTIAL PLATTED” land use code despite a different land use code applied by County Fiscal Officer of Cuyahoga County, Ohio:

- 721-05-042 Listed with 721-05-041 2520 Miramar
- 721-05-043 Listed with 721-05-041 2520 Miramar

Section 7. The Council determines that in accordance with the Agreement, the following parcels with duplex family homes shall be treated as “2-FAMILY PLATTED LOT” land use code until action is taken by the City of University Heights and John Carroll University to correct the land use code and/or code the parcels with the County Fiscal Officer of Cuyahoga County, Ohio, as residential parcels:

- 721-05-016 2553 Warrensville Ctr. Duplex
- 721-05-018 2563 Warrensville Ctr. Duplex
- 721-05-019 2569 Warrensville Ctr. Duplex
- 721-05-022 2583 Warrensville Ctr. Duplex
- 721-06-007 4070 Carroll Blvd. Duplex
- 721-06-011 2619 Warrensville Ctr. Duplex
- 721-06-013 2609 Warrensville Ctr. Duplex
- 721-06-014 2603 Warrensville Ctr. Duplex
- 721-06-015 2599 Warrensville Ctr. Duplex
- 721-06-016 2595 Warrensville Ctr. Duplex

Section 8. 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 9. The Council determines that in accordance with the Agreement, the following parcels identified in the Agreement as Campus Parcels shall be shall be assessed ONE Sewer Base Units per six thousand (6,000) square feet of parcel land area:

- 721-07-001 20700 North Park Blvd.
- 721-07-002 20700 North Park Blvd.
- 721-07-003 South Belvoir Blvd.
- 721-07-004 South Belvoir Blvd.
- 721-07-005 Carroll Blvd. Rear
- 721-07-006 20700 North Park Blvd.
- 721-07-008 Washington Blvd. (Murphy Hall)
- 721-18-031 2200 South Green Road
- 721-22-011 20700 South Belvoir Blvd.
- 721-22-016 South Belvoir Blvd.
- 721-22-064 South Belvoir Blvd.
- 721-22-065 South Belvoir Blvd.
- 721-22-066 South Belvoir Blvd. Rear
- 721-24-003 2563 South Belvoir Blvd.
- 721-24-004 2567 South Belvoir Blvd.
- 721-24-020 Claver Road Rear
- 721-24-021 South Belvoir Blvd.

Section 10. 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 11. Except as otherwise provided in this ordinance, 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.

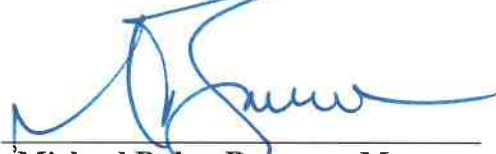
Section 12. The Finance Director shall prepare an assessment for tax year 2019 in accordance with the special assessment methodology described above. Said assessment shall identify the amount of the special assessment against each assessed parcel. The Finance Director shall file a copy of said assessment with the Clerk of Council.

Section 13. 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 for tax year 2019 for collections in 2020 in the manner prescribed by the County Fiscal Officer of Cuyahoga County, Ohio.

Section 14. 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.

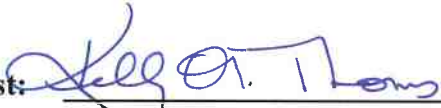
Section 15. This Resolution is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights, the emergency being the need to certify special assessments to the County Fiscal Office by the September 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: 09/04/2019

Attest: 

Kelly M. Thomas, Clerk of Council

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