

ORDINANCE NO. 47-2011

Offered by All of Council

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN PROPERTIES IN THE VILLAGE OF RICHFIELD BY CONSTRUCTING SANITARY SEWERS TOGETHER WITH CONNECTIONS THEREFOR AND THE NECESSARY APPURTENANCES THERETO IN MOTOR ROAD, RATENER ROAD, FIVE OAKS DRIVE AND HAROLD DRIVE BETWEEN CERTAIN TERMINI; AND DECLARING AN EMERGENCY.

WHEREAS, the improvement described in Section 1 below has been completed and the final cost of that improvement has been determined.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That the special assessments for the cost and expense of improving, in the Village of Richfield, the properties described in Section 5 of Resolution No. 3-2008, adopted on March 4, 2008, by constructing sanitary sewers together with connections therefor and necessary appurtenances thereto, in Motor Road, Ratener Road, Five Oaks Drive and Harold Drive between certain termini, pursuant to Resolution 3-2008, amounting in total to \$255,093.00, which were filed and are on file with the Clerk of Council and dated August 2, 2011, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution 3-2008 in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.
- SECTION 2. That 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 improvements is to the estimated cost of the improvement as originally filed.
- SECTION 3. That the special assessment against each lot or parcel of land shall be payable in whole or in part in cash or by check within thirty (30) days of the passage of this Ordinance or, at the option of the owner, in forty (40) semi-annual installments, with interest on the unpaid balance of each special assessment at the rate of 3.93%. All payments in cash or by check shall be made to the Finance Director of this Village. All special assessments remaining unpaid at the expiration of that cash payment period shall remain in the certification sent by the Clerk of Council to the Summit County Fiscal Officer as provided by law to be placed on the tax duplicate and collected as taxes are collected.
- SECTION 4. That 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 this Village and shall keep on file in the office of the Clerk of Council the special assessments.

SECTION 5. That the Clerk of Council shall deliver a certified copy of this Ordinance, and the unpaid special assessments levied thereby, to the Summit County Fiscal Officer on or before the statutory deadline in September 2011.

SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order that the levy of the special assessments is effective at once to begin the cash payment period in order to enable the Village to certify the special assessments to the Summit County Fiscal Officer by the statutory deadline in September 2011, for necessary collection in 2012; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Aug 2, 2011

Bobbie Bashara
President of Council

William Thomas
Mayor

Dated: 8/2/11

ATTEST:

Carolyn E. Sullivan
Clerk of Council