

RECORD OF ORDINANCES

Resolution
Ordinance No. 2020-37Passed May 6, 2020

SPONSOR: STREETS COMMITTEE

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALK IMPROVEMENTS AND TO LEVY AND COLLECT SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS UPON ADJACENT LOTS LOCATED ON PROSPECT STREET, AND DECLARING AN EMERGENCY

WHEREAS: Council for the Village of Mogadore has heretofore studied the need to construct new and additional sidewalks and certain pedestrian improvements (the "Improvements") to service presently unserved areas in the Village; and,

WHEREAS, a need for these Improvements has been identified in the area located generally along both sides of Prospect Street fronting all properties; and,

WHEREAS, the Village is currently undertaking other infrastructure projects in the Village funding for which can partially subsidize and alleviate a portion of the construction costs of new sidewalks on Prospect Street; and,

WHEREAS, pursuant to R.C. 727.01, the Village has special power to levy and collect special assessments upon the adjacent lots or lands located in the Village, covering any part of the cost connected with the improvement of any street by constructing sidewalks; and,

WHEREAS, although no formal petition requesting these Improvements has been submitted by owners of the front footage of property abutting Prospect Street, several owners and other residents have affirmed the need for said Improvements and the desire to finance them through special assessments; and,

WHEREAS, this Council, with and upon recommendation of staff, has reviewed and hereby approves the plans and specifications required to proceed with the Improvements, which will serve the residences located along Prospect Street; and,

WHEREAS, as required by R.C. 727.12, the plans, specifications and profiles of the proposed Improvements and an estimate of the cost of the Improvements have been previously prepared and filed with the Clerk-Treasurer, and shall remain open to the inspection of all persons interested (the "Improvements Plan"); and,

WHEREAS, Council is electing to assess the costs of the Improvements in proportion to the benefits which may result from the improvement; and,

WHEREAS, the Village shall be reimbursed for the unsubsidized costs of the Improvements through special assessments to the property tax bills of the adjacent, abutting lots over a period of thirty (30) years; and,

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WHEREAS, pursuant to R.C. 727.12, Council may now declare the necessity for such Improvements before proceeding with the proposed Improvements.

NOW, THEREFORE, be it resolved, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio that:

SECTION 1: Council for the Village hereby declares it necessary for the preservation and promotion of the public health and welfare to construct public Improvements, in the form of new sidewalks located along both sides of Prospect Street, to be paid for in part by special assessments levied against the adjacent lots pursuant to Chapter 727 of the Ohio Revised Code.

SECTION 2: Council for the Village hereby approves the plans, specifications, profiles, and estimate of costs of the proposed public Improvements as set forth in the Improvements Plan that has been previously prepared and filed with the Clerk-Treasurer and shall remain open for public inspection during regular business hours, as provided by R.C. 727.12. The Improvements Plan is also more fully identified and described in the attached Exhibit "A," which is incorporated herein by reference.

SECTION 3: A portion of the total costs of the proposed public Improvements shall be paid for by special assessments as set forth in the Improvements Plan that has been previously prepared and filed with the Clerk-Treasurer. The balance of the costs shall be paid by the Village as set forth in the Improvements Plan.

SECTION 4: The addresses, lots, or parcels of property to be assessed for these Improvements along Prospect Street, together with estimated assessment costs against each lot or parcel, are more fully identified and described in Exhibit "A."

SECTION 5: The method of levying the special assessments for the proposed public Improvements shall be in proportion to the benefits which may result from the improvement, as more particularly calculated and set forth in Exhibit "A." This methodology is based on the square footage of sidewalk that will be bounding and abutting each property.

SECTION 6: The special assessments to be levied will be payable via property tax bills of those adjacent lots described in Exhibit "A," annually for a period of thirty (30) years, beginning with the next property tax bill immediately following construction of the Improvements. The Village will not be issuing securities in anticipation of the levying or collection of the special assessments contemplated herein.

SECTION 7: Pursuant to R.C. 727.13, notice of the passage of this Resolution of Necessity and the filing of the estimated assessments pursuant to R.C. 727.12 shall be served by the Clerk-Treasurer, or a person designated by the Clerk, upon the owners of the lots or parcels of land to be assessed for the Improvements in the same manner as service of summons in civil cases, including: personal service; certified mail addressed to such owner at his/her last known address or to the address to which tax bills are sent; and/or publication of the notice once in a newspaper of general

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circulation within the Village. The notice shall also set forth the place where such estimated assessments are on file and are open for public inspection.

SECTION 8: The owner of any lot or parcel of land who objects to the amount or apportionment of, or the assessment against such lot or parcel as set forth in the estimated assessment, shall file such objection, in writing, with the Clerk of Council within two weeks from the date of completion of the notice required herein. Such objection shall include the address for mailing of the notice provided in R.C. 727.16.

SECTION 9: An owner who fails to so file an objection as set forth in Section 8 above shall be deemed to have waived any objection.

SECTION 10: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

SECTION 11: That, to the extent not already done so, the funds required for the payment of the obligations incurred are hereby appropriated for the purposes described.

SECTION 12: The Village of Mogadore finds and determines that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 197 during the state-declared COVID-19 emergency.

SECTION 13: This Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Mogadore and the inhabitants thereof, for the timely service of notice, and for the further reason that this Resolution must be immediately effective in order to provide for the timely completion of the work as provided for herein, which are necessary to preserve and protect the interests of the Village. This Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

Michael Raddish 5-06-20

President of Council

Date

[Signature] 5-7-20

Mayor

Date

Attest:

[Signature]
Clerk-Treasurer