

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE COSTS OF CONSTRUCTING AN 8" SANITARY SEWER AND 6" SANITARY SEWER LATERALS, TOGETHER WITH ALL NECESSARY APPURTENANCES TO EXTEND SANITARY SEWER ALONG CHIPPEWA ROAD (S.R. 82) FROM RIVERVIEW ROAD TO WIESE ROAD AND ALONG CALVIN DRIVE AND EXTENDING TO THE TERMINI POINT OF GLEN VALLEY DRIVE ALLOWING FOR THE REMOVAL OF THE GLEN VALLEY PUMP STATION, AND DECLARING AN EMERGENCY.

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

NOW, THEREFORE, BE IT ORDAINED By the Council of the City of Brecksville, County of Cuyahoga, Ohio, that:

SECTION 1. Levy of Special Assessments. The special assessments for the cost and expense of constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley pump station, in the manner provided in Resolution No. 5264, adopted on March 15, 2022, amounting in total to \$999,000, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 5264 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. Determination of Proportionality of Special Assessments. 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 improvement is to the estimated cost of the improvement as originally filed.

SECTION 3. Installments; Interest Rate. The special assessment against each lot or parcel of land shall be payable in whole or in part by cash or check within 30 days after the passage of this Ordinance, or at the option of the owner in 30 annual installments with interest at the same rate or rates of interest as borne by the bonds to be issued in anticipation of the collection of the special assessments. All payments by cash or check shall be made to the Director of Finance of the City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Fiscal Officer as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION 4. Publication of Notice. 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 the City and shall keep on file in the office of the Clerk of Council the special assessments.

SECTION 5. Certification and Delivery of Ordinance. The Clerk of Council shall deliver or cause to be delivered a certified copy of this Ordinance to the County Fiscal Officer within 20 days after its passage.

SECTION 6. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 8. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the levy of the special assessments is effective at once to begin the cash payment period so that the special assessments payable with respect to the improvement can be delivered to the Cuyahoga County Fiscal Officer in a timely fashion and thereby permit the City to commence the collection of assessments during calendar year 2025, such that notes issued by the City in anticipation of that levy may be retired from bonds to be issued in anticipation of the collection of those special assessments not paid in cash as soon as possible and thereby preserve and protect the fiscal health of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____, 2024

APPROVED: _____, 2024

Mayor

Clerk of Council