



LEGISLATIVE COVER MEMO

Introduction: March 18, 2024

Agenda Item: **Resolution 2024-20**
DECLARING THE NECESSITY OF IMPROVING CITY STREETS
AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR
2024

Submitted by: Khristi Dunn, Clerk of Council

Scope/Description: This is “Resolution of Necessity” is the first step in the street light assessment process for 2025. The street lighting assessment program is used for lighting public rights of way, and can also be used to purchase new street lights. This process is used for all assessment projects normally done for road improvements, as required by the Revised Code.

Budget Impact: The City pays for 2% of the total lighting improvement cost to cover the City’s share of the improvement, as required by the R.C., and the cost of lighting intersections. The remaining 98% of the improvement cost is to be paid by special assessment levied on all properties within the City which are benefitted by the public lighting improvement. The assessments are levied based on a percentage of the tax value of each assessed property and are paid in two semi-annual installments.

Exhibits: None.

Vote Required for Approval: Per Section 727.12 of the Ohio Revised Code, this Resolution of Necessity requires the concurrence of three-fourths of the members elected to Council for passage.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2024-20

**DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS
BY THE LIGHTING THEREOF FOR THE YEAR 2025**

WHEREAS, Ohio Revised Code Chapter 727 empowers the legislative authority of a municipal corporation to levy and collect special assessments for the improvement of any street, alley, public road, place, boulevard, parkway, or park entrance by the lighting thereof;

WHEREAS, the City of Franklin City Council has deemed it necessary to levy special assessments, as set forth in this Resolution, against certain real property within the City's corporate boundaries in order to pay for public street lighting improvements benefitting such property;

WHEREAS, in accordance with R.C. 727.12, a street lighting plan and estimate of cost for lighting improvements for 2025 are on file in the office of the City of Franklin Clerk of Council, and are open to inspection by all persons interested therein; and

WHEREAS, R.C. 727.12 states, after a street lighting plan and estimate of improvement cost are filed with the Clerk of Council, City Council may declare the necessity for the street lighting improvements by the passage of a resolution of necessity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, three-fourths of the members elected thereto concurring, that:

Section 1. It is hereby declared necessary for the preservation of the public health, safety and welfare of City of Franklin, Ohio residents to improve the streets and other public ways within the City's corporate boundaries by the lighting thereof for the year 2025; said lighting to be provided by electric lighting and paid for by special assessments levied on all lots and lands bounding and abutting upon such improvements between and including the termini of the improvements (each a "Benefitted Property" and, collectively, the "Benefitted Properties").

Section 2. The plans and estimate of cost for the improvements, now on file in the office of the Clerk of Council and open to inspection by interested persons, are hereby approved.

Section 3. The total cost of the lighting improvements shall be paid as follows: (i) two percent (2%) of the total cost to be paid by the City; and (ii) ninety-eight percent (98%) of the total cost to be paid through special assessments levied on the Benefitted Properties.

Section 4. The method of levying special assessments for the lighting improvements shall be by percentage of the tax value of each Benefitted Property.

Section 5. The special assessment levied against each Benefitted Property shall be payable in two semi-annual installments; provided, however, the owner of any Benefitted Property may, at the owner's option, pay the entire special assessment in cash within thirty (30) days after the passage of a subsequent ordinance of Council levying the special assessments provided for herein.

Section 6. Should there be any outstanding balance with respect to the total cost of the lighting improvements after the levy and collection of special assessments therefor, the balance shall be paid by the City from other public funds available and appropriated for such purpose.

Section 7. The City does not intend to issue securities in anticipation of the levy or collection of the special assessments.

