

ORDINANCE NO. 2024-35

AN ORDINANCE AUTHORIZING THE ASSESSMENT AND CERTIFICATION OF COSTS AND EXPENSES TO THE LAKE COUNTY AUDITOR AGAINST CERTAIN PARCELS OF REAL ESTATE IN THE CITY OF WILLOWICK, LAKE COUNTY, OHIO, PURSUANT TO O.R.C. 715.261 AND DECLARING AN EMERGENCY.

WHEREAS, the parking structure owned by Shoregate Towers, NS, LLC at 30901 and 30951 Lake Shore Blvd., Willowick, Ohio 44095, Lake County Permanent Parcel Nos. 28-A-043-R-00-021-0, 28-A-043-R-00-022-0, 28-A-044-G-00-018-0, 28-A-044-G-00-017-0, 28-A-044-G-00-016-0, 28-A-044-G-00-015-0, 28-A-044-G-00-014-0 (the “Property”), collapsed on the evening/morning of August 23, 2023 to August 24, 2023.

WHEREAS, the parcel numbers of the Property are identified on Exhibit A, attached hereto and incorporated herein.

WHEREAS, the Owner of the Property on August 23, 2023 to August 25, 2023 was and remains Shoregate Towers, NS, LLC.

WHEREAS, pursuant to R.C. 715.261, the City of Willowick incurred certain costs and expenses in the total amount of \$139,929.30, which were necessary to make emergency corrections to the hazardous conditions on the Property as a result of the collapse.

WHEREAS, the City made a demand upon the Owner to repay the costs/expenses and the Owner has not repaid the costs/expenses incurred by the City of Willowick.

WHEREAS, the Council certifies to the Lake County Auditor that these costs/expenses were legally incurred.

WHEREAS, the Council requests that the costs/expenses itemized on Exhibit B, attached hereto and incorporated herein, be made a lien upon the Property, be collected as other taxes, and be returned to the municipal corporation.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, STATE OF OHIO:

SECTION 1: On August 25, 2023, the City of Willowick legally incurred One Hundred Thirty-Nine Thousand Nine Hundred Twenty-Nine Dollars and Thirty Cents (\$139,929.30) in costs or expenses necessary to make emergency corrections of a hazardous condition on the Property identified and described in the attached Exhibit A, which is attached hereto and incorporated herein.

SECTION 2: An itemization of the costs and/or expenses legally incurred by the City of Willowick are identified on Exhibit B, which is attached hereto and incorporated herein.

SECTION 3: The Council certifies that the Owner of the Property identified on Exhibit A at the time the costs were incurred was Shoregate Towers, NS, LLC.

SECTION 4: The Council authorizes the Clerk of the Willowick City Council to certify the total costs/expenses of One Hundred Thirty-Nine Thousand Nine Hundred Twenty-Nine Dollars and Thirty Cents (\$139,929.30) to the Lake County Auditor to be made a lien upon the lands effective as of the date the expenses were incurred on August 25, 2023, to be collected as other taxes, and be returned to the municipal corporation in accordance with R.C. 715.261.

SECTION 5: Upon passage of this Ordinance, the Clerk of Council shall certify a copy of the Ordinance to the Lake County Auditor.

SECTION 6: That all other ordinances or parts thereof in conflict with this Ordinance be and the same are hereby repealed to the extent inconsistent herewith.

SECTION 7: That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick and further, provides for the timely certification of costs and expenses to the Lake County Auditor in accordance with the Ohio Revised Code; wherefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Adopted by Council: _____, 2024

Monica Koudela, Council President

Approved by Mayor on _____, 2024

Michael J. Vanni, Mayor

Attest: _____
Christine Morgan, Clerk of Council

EXHIBIT A
PARCEL NUMBERS

Lake County Permanent Parcel Nos.

28-A-043-R-00-021-0,
28-A-043-R-00-022-0,
28-A-044-G-00-018-0,
28-A-044-G-00-017-0,
28-A-044-G-00-016-0,
28-A-044-G-00-015-0,
28-A-044-G-00-014-0

EXHIBIT B

COSTS AND EXPENSES INCURRED

| Date | Cost | Property Description | Property Owner |
|--------------|--|---|------------------------------|
| 8/25/2023 | B&B Wrecking & Excavating \$135,250.00 | Lake County Permanent Parcel Nos. 28-A-043-R-00- 021-0, 28-A-043-R-00-022- 0, 28-A-044-G-00-018-0, 28-A-044-G-00-017-0, 28- A-044-G-00-016-0, 28-A- 044-G-00-015-0, 28-A-044- G-00-014-0 | Shoregate Towers, NS, LLC |
| 8/25/2023 | United Rentals \$4,679.30 | Lake County Permanent Parcel Nos. 28-A-043-R-00- 021-0, 28-A-043-R-00-022- 0, 28-A-044-G-00-018-0, 28-A-044-G-00-017-0, 28- A-044-G-00-016-0, 28-A- 044-G-00-015-0, 28-A-044- G-00-014-0 | Shoregate Towers, NS, LLC |
| TOTAL | \$139,929.30 | Lake County Permanent Parcel Nos. 28-A-043-R-00- 021-0, 28-A-043-R-00-022- 0, 28-A-044-G-00-018-0, 28-A-044-G-00-017-0, 28- A-044-G-00-016-0, 28-A- 044-G-00-015-0, 28-A-044- G-00-014-0 | |