

RESOLUTION NO. 2021-24

A RESOLUTION DECLARING IT NECESSARY AND DETERMINING TO PROCEED WITH ACQUIRING, CONSTRUCTING, INSTALLING EQUIPPING, IMPROVING, MAINTAINING AND REPAIRING IMPROVEMENTS NECESSARY FOR MAKING IMPROVEMENTS TO ABATE EROSION ALONG PROPERTIES WITHIN THE CITY INCLUDED WITHIN THE LAKE COMMUNITIES SHORELINE SPECIAL IMPROVEMENT DISTRICT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, property owners within the City petitioned Council to form a shoreline special improvement district to provide assistance in abating erosion along the shoreline of Lake Erie, and Council approved such petitions and joined in the formation of the Lake County Communities Shoreline Special Improvement District, Inc. (the SID);

WHEREAS, property owners within the SID have submitted special assessment improvement petitions to this Council in accordance with the Improvement Plan implemented by the SID requesting that erosion abatement improvements proceed on their properties and that the City levy special assessments upon their properties for the costs of those erosion abatement improvements pursuant to Chapters 727 and 1710 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, OHIO, THAT:

SECTION 1. It is hereby declared necessary to improve in the City of Willowick the properties listed on Attachment A hereto and incorporated by reference hereby (collectively, the “Assessment Properties”) by acquiring, constructing, installing equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion, together with all necessary appurtenances thereto (the "Improvements"). It is hereby further determined to proceed with the Improvements as described herein.

SECTION 2. The plans, specifications and profiles of the Improvements and the estimates of cost of the Improvements as set forth in the Improvement Petitions filed by the owners of the Assessment Properties to be improved and assessed and now on file in the office of the Clerk of this Council, are adopted and approved. It is hereby determined to proceed with the Improvements which shall be made and in accordance with those plans, specifications, profiles and estimates of cost for the Improvements and with the route and termini and other details and descriptions as set forth therein.

SECTION 3. This Council finds and determines that the Improvements constitute “public improvements” and “shoreline improvement projects” under Section 1710.01 of the Revised Code and are conducive to the public health, convenience and welfare of this City and its inhabitants, and the lots and lands to be assessed as described in Section 4 are specially benefited by the Improvements.

SECTION 4. The entire cost of the Improvement for each parcel shall be assessed in proportion to the benefits that may result from the Improvement upon each the Assessment Property.

SECTION 5. All claims for damages resulting from the Improvements that have been legally filed shall be inquired into after completion of the Improvements, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

SECTION 6. The special assessments to be levied on the Assessment Properties shall be paid in 15 annual (30 semiannual) installments, with interest on the unpaid balance of each special assessment at the same rate as shall be borne by the bonds to be issued on behalf of the City and SID, with such issuance of bonds hereby requested by the City by and through such issuing authority as determined by the SID, in anticipation of the collection of the unpaid special assessments; provided that, the owners of the Assessment Properties may pay all or a portion of the special assessment in cash prior to its certification for collection with the County Auditor.

SECTION 7. The Clerk of Council shall deliver a certified copy of this resolution to the County Auditor within 15 days after its passage.

SECTION 8. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution 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 9. This resolution is hereby declared to be an declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City; and for the further reason that it is urgently necessary to undertake shoreline improvement projects as soon as possible to address shoreline erosion issues posing an imminent threat to the properties along the shoreline of Lake Erie; therefore, provided that it receives the affirmative vote at least 5 members elected to Council, this resolution shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

PASSED: _____, 2021

Submitted to the Mayor for his
of Council approval on _____, 2021

Robert Patton, President

Approved by the Mayor on
_____, 2021

ATTEST:

Angela Trend, Clerk of Council

Richard J. Regovich, Mayor

ATTACHMENT A – ASSESSMENT PARCELS

Those parcels identified in the land records of the County of Lake, Ohio as follows:

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