

DAVID A. REICHEL  
President of Council

NANCY E. FELLOWS  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
FRANK A. GERMANO  
DAVID A. REICHEL  
RAYMOND C. SOMICH

## ORDINANCE NO. 2013-38

**AN ORDINANCE GRANTING THE PROPOSED PROPERTY OWNER(S) OF PERMANENT PARCELS #31-A-004-0-00-025-0, & #31-A-004-0-00-024-0, PROPERTY ADDRESS OF 35100 CHARDON ROAD, #100, THE SAME TAP-IN FEE DISCOUNT AS TO OWNERS OF PROPERTY LOCATED WITHIN THE EUCLID CREEK TRIBUTARY INTERCEPTOR SEWER SYSTEM.**

**WHEREAS**, the Clover Construction Management has proposed the construction of a 113 unit congregate care facility on permanent parcel numbers #31-A-004-0-00-025-0 & #31-A-004-0-00-024-0 and is obligated to pay a sewer tap-in fee in advance of construction in accordance with Section 921.001(d) of the Codified Ordinances, effective 2001, establishing that the amount of the tap-fee shall be three thousand dollars (\$3,000) per Equivalent Unit. The tap-in fee shall be adjusted by the City Engineer in accordance with the discharge flow; and

**WHEREAS**, to pay a portion of the costs of constructing the Euclid Creek Tributary Interceptor Sewer Improvements, on February 8, 2001, the Council of the City of Willoughby Hills adopted Ordinance No. 2000-77 to impose a fee for tapping into any local collector sewer directly or indirectly connected to the Improvement; and

**WHEREAS**, said Ordinance also provided that if payment of the tap-in fee was made prior to construction the amount of such fee shall be reduced as an "early payment discount"; and

**WHEREAS**, the City Engineer has calculated consumption rates for the apartments that are based on the anticipated usage of the facility, as detailed in Exhibit "A", attached hereto; and

**WHEREAS**, the City of Willoughby Hills derives a benefit from the use of these types of funds and wishes to offer the same discount when they are received in advance of construction; and

**WHEREAS**, the City of Willoughby Hills desires to encourage a positive business climate and attract new construction, new development, and expansion; and

**WHEREAS**, the Administration and Council have determined it to be in the best interest of all parties to offer the discounted tap-in fee, to be paid by the proposed property owners as outlined below, well before any connection to the Euclid Creek Tributary Interceptor Sewer System.

***NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** Upon the purchase and proof of Title Transfer for Permanent Parcels #31-A-004-0-00-025-0 & #31-A-004-0-00-024-0, an early payment discount shall be instituted for the new development and expansion of said properties.

**SECTION 2.** The total non-refundable amount of the sewer tap-in shall be the sum of \$188,312.50 as determined by the City Engineer and as fully detailed in Exhibit A, attached hereto and referenced herein. This sum shall be deposited into escrow payable to the City of Willoughby Hills upon transfer of said properties to Clover Construction Management or its assignees.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: July 25, 2013

Submitted to the Mayor for his approval  
on this 25 day of July, 2013

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

David A. Reichelt

David A. Reichelt  
President of Council

Approved by the Mayor

July 25, 2013

Robert M. Weger

Robert M. Weger  
Mayor