

KEVIN D. MALECEK
President of Council

DAVID A. REICHEL
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

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

ORDINANCE NO. 2008-47

AN ORDINANCE AMENDING ORDINANCE NO. 2007-56 TO CORRECT A CLERICAL ERROR IN THE ASSESSMENT OF THE PROPERTY OF ROBERT J. AND SONJA J. VIRANT, 3030 MARCUM BOULEVARD, WILLOUGHBY HILLS, OHIO A.K.A. PERMANENT PARCEL NO. 31A-005C-00-013-0 AND DECLARING AN EMERGENCY.

WHEREAS, the Council passed Ordinance No. 2007-56, an ordinance levying special assessments for the improvement of the streets and certain municipal easements identified in Exhibit "A" of said ordinance by constructing an 8-inch sanitary sewer, pump stations, and force mains; together with all necessary appurtenances thereto; and declaring an emergency on July 12, 2007; and

WHEREAS, the special assessments identified as Exhibit "A" in Ordinance No. 2007-56 were certified for collection to the County Auditor as directed in said legislation; and

WHEREAS, subsequent to the certification of said assessments, a claim was made by Robert J. and Sonja J. Virant, 3030 Marcum Boulevard, Willoughby Hills, Ohio that their property at said address, a.k.a. identified as Permanent Parcel No. 31A-005C-00-013-0 had been incorrectly assessed for two (2) benefit units of assessment, as outlined in the procedures established for use in Willoughby Hills ECTW Assessment Area "B"; and

WHEREAS, following a thorough investigation and review by the City Engineer and the Director of Law, the claim made by said Robert J. and Sonja J. Virant was documented and the amount assessed was confirmed to have been a clerical error; and

WHEREAS, as a result of said clerical error, to wit; the action taken by Robert J. and Sonja J. Virant to consolidate three (3) parcels, originally identified in the estimated assessments filed with the Clerk of Council pursuant to Resolution No. 2004-16, adopted September 23, 2004, into one parcel, said Permanent Parcel No. 31A-005C-00-013-0, for purposes of reducing the number of assessable benefit units from two (2) benefit units to one (1) benefit unit, was not timely reported in the course of the assessment proceedings; and

WHEREAS, this Council has determined, based on the aforesaid investigation and review by the City Engineer and the Director of Law and as recommended by the Mayor, City Engineer and Director of Law, that the previously noted clerical error has caused an undue hardship for Robert J. and Sonja J. Virant, 3030 Marcum Boulevard, Willoughby Hills, Ohio; and

WHEREAS, this Council has concluded that the moral claim made by Robert J. and Sonja J. Virant, 3030 Marcum Boulevard, Willoughby, Ohio is fully substantiated and said Council wishes to recognize said claim pursuant to law.

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

SECTION 1. The Clerk of Council is hereby directed to correct and re-file the assessment on property owned by Robert J. and Sonja J. Virant, 3030 Marcum Boulevard, Willoughby Hills, Ohio, a.k.a. Permanent Parcel No. 31A-005C-00-013-0, originally filed as part of assessments levied under Ordinance No. 2007-56 on or before September 10, 2007, by reducing said Robert J. and Sonja J. Virant's assessable principal amount on Permanent Parcel No. 31A-005C-00-013-0 from \$33,996.14 to \$16,998.07 plus any interest as directed in Section 3 of the original assessing ordinance, Ordinance No. 2007-56.

SECTION 2. This Council hereby accepts the difference in the principal amount of \$16,998.07 plus the interest as directed in Section 3 of the original assessing ordinance, Ordinance No. 2007-56, as an additional amount of the City's share of said assessment, in the same manner that resulted from other property owners who timely consolidated lots pursuant to procedures followed during the assessment process for ECTW Assessment Area "B".

SECTION 3. This Council hereby directs the Clerk of Council and/or other appropriate official to certify this reassessment to the County Auditor to be placed on the tax duplicate and collected as taxes are collected.

SECTION 4. This Council hereby directs the Director of Finance to reimburse Robert J. and Sonja J. Virant in the amount of principal and interest paid as a result of the above referenced clerical error pursuant to the assessments certified pursuant to Ordinance No. 2007-56 and corrected by this Ordinance, as substantiated by appropriate paid receipts.

SECTION 5. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within twenty (20) days after its passage.

SECTION 6. 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 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this City and for the further reason that this Ordinance must be immediately effective so that the levy of the special assessments is effective at once in order that loans obtained to pay costs of the improvement may be paid; wherefore, provided it receives the affirmative vote of at least three-fourths (3/4) of the membership of Council, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

PASSED: June 12, 2008

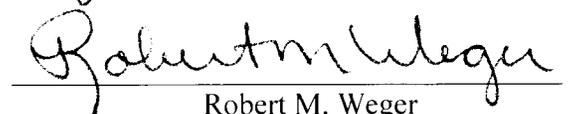
Submitted to the Mayor for his approval on this 12 day of June, 2008

ATTEST:

Victoria Ann Savage, CMG
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor
June 12, 2008


Robert M. Weger
Mayor