

# City of Willoughby Hills

## ORDINANCE NO. 2008-57

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

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### **AN ORDINANCE AMENDING ORDINANCE NO. 2007-56 TO CORRECT A CLERICAL ERROR IN THE ASSESSMENT OF THE PROPERTY OF THE CLEVELAND METROPOLITAN PARK DISTRICT A.K.A. PERMANENT PARCEL NO. 31A-0040-00-012-0 AND PERMANENT PARCEL NO. 31A-011A-00-057-0 AND DECLARING AN EMERGENCY.**

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**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 clerical error was found in the assessment listing filed with the Office of the Lake County Auditor, said assessment listing being at variance with the certified assessment legislation, Ordinance No. 2007-56, filed with the County Auditor pursuant to ORC Section 727.30.

**WHEREAS**, following a thorough investigation and review by the City Engineer and the Director of Law, it has been confirmed that the amount assessed was a clerical error; and

**WHEREAS**, as a result of said clerical error, to wit; the amount listed on the detailed calculation of annual assessment amounts filed with the Lake County Auditor's office pursuant to Ordinance No. 2007-56 incorrectly listed assessment amounts for **PERMANENT PARCEL NO. 31A-0040-00-012-0** and **PERMANENT PARCEL NO. 31A-011A-00-057-0**; 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 a hardship for the City of Willoughby Hills; and

**WHEREAS**, this Council has concluded that the error made was clerical and, accordingly, correctable by legislative action.

**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 refile the assessment on property owned by the Cleveland Metroparks, a.k.a. **Permanent Parcel No. 31A-0040-00-012-0**, originally filed as part of assessments levied under Ordinance No. 2007-56 on or before September 10, 2007, by replacing the incorrect assessable principal amount on **Permanent Parcel No. 31A-0040-00-012-0** of **\$-0-** with the assessable principal amount of **\$90,089.79** plus any interest as directed in Section 3 of the original assessing ordinance, Ordinance No. 2007-56, based on the concurrence of the Cleveland Metroparks that the action of this Council, despite its variance with the language of the agreement of October 4, 2004 between the City of Willoughby Hills, Ohio and The Board of Park Commissioners of the Cleveland Metropolitan Park District, a.k.a., Cleveland Metroparks, is wholly within the spirit of the agreement of October 4, 2004 between the City of Willoughby Hills, Ohio and The Board of Park Commissioners of the Cleveland Metropolitan Park District, a.k.a., Cleveland Metroparks.

**SECTION 2.** This Council hereby confirms the replacement of the principal amount of **\$90,089.79** plus the interest as directed in Section 3 of the original assessing ordinance, Ordinance No. 2007-56, against **Permanent Parcel No. 31A-011A-00-057-0** with the amount listed on the spreadsheet attached to said ordinance for **Permanent Parcel No. 31A-0040-00-012-0**, to wit, the amount of **\$82,296.33** plus the interest as directed in Section 3 of the original assessing ordinance, Ordinance No. 2007-56, again, based on the concurrence of the Cleveland Metroparks, as noted in Section 1, above.

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

**SECTION 5.** 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.

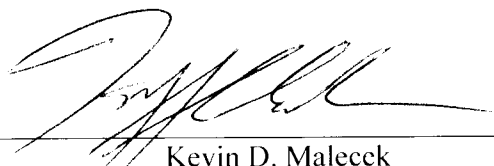
**SECTION 6.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this City and for the further reason that this Ordinance must be immediately effective so that the levy of the special assessments is effective 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: July 24, 2008

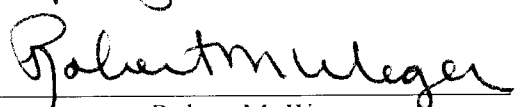
Submitted to the Mayor for his approval  
on this 24 day of July, 2008

ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council

  
Kevin D. Malecek  
President of Council

Approved by the Mayor

July 24, 2008  
  
Robert M. Weger  
Mayor