

City of Willoughby Hills

ORDINANCE NO. 2008 – 74

AN ORDINANCE AMENDING ORDINANCE NO. 2007-56 TO CORRECT A CLERICAL ERROR IN THE ASSESSMENT OF THE PROPERTY OF COLLEEN M. GROSEL, 2832 ORCHARD DRIVE, WILLOUGHBY HILLS, OHIO A.K.A. PERMANENT PARCEL NO. 31A-008B-00-011-0.

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 complaint was made by Colleen M. Grosel, 2832 Orchard Drive, Willoughby Hills, Ohio to Gloria Majeski, Executive Assistant to the Mayor, on July 29, 2008, in which complaint Colleen M. Grosel asserted that her property at said address, a.k.a. identified as Permanent Parcel No. 31A-008B-00-011-0 had been incorrectly assessed for .75 benefit units of assessment because she has been receiving sewer service at the stated address since purchasing the property in 1999; and

WHEREAS, following a thorough investigation and review by the City Engineer and the Director of Law, the claim made by said Colleen M. Grosel 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 parcel to which notice of an estimated assessment and notice of final assessment was served, i.e., Permanent Parcel No. 31A-008B-00-011-0, based on the records of the Lake County Department of Utilities, has been invoiced for sanitary sewer service since prior to 1995, was, therefore, not benefited by the construction of the sewers assessed under Ordinance No. 2007-56 and was, therefore, incorrectly assessed 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 Colleen M. Grosel, 2832 Orchard Drive, Willoughby Hills, Ohio; and

WHEREAS, this Council has concluded that the moral claim made by Colleen M. Grosel, 2832 Orchard Drive, Willoughby Hills, 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 refile the assessment on property owned by Colleen M. Grosel, 2832 Orchard Drive, Willoughby Hills, Ohio, a.k.a. Permanent Parcel No. 31A-008B-00-011-0, originally filed as part of assessments levied under Ordinance No. 2007-56 on or before September 10, 2007, by reducing said Colleen M. Grosel’s assessable amount on Permanent Parcel No. 31A-008B-00-011-0, as directed in Section 3 of the original assessing ordinance, Ordinance No. 2007-56, from a

principal assessable amount for .75 benefit units of \$12,748.55 to \$-0- and reduce the interest on said assessable principal amount from \$4,688.77 to \$-0-,

SECTION 2. This Council hereby accepts the total principal amount of \$12,748.55 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.

SECTION 3. This Council hereby directs the Clerk of Council and/or other appropriate official to certify this reassessment to the County Auditor as a correction to the tax duplicate.

SECTION 4. This Council hereby directs the Director of Finance to reimburse Colleen M. Grosel 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 shall be in full force and effect at the earliest time permitted by law.

PASSED: October 9, 2008

Submitted to the Mayor for his approval
on this 9 day of October, 2008

ATTEST:

Victoria Ann Savage, CMC
Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
Kevin D. Malecek
President of Council

Approved by the Mayor

October 9, 2008
Robert M. Weger
Robert M. Weger
Mayor