

City of Willoughby Hills

ORDINANCE NO. 2010-33

AN ORDINANCE TO AMEND ORDINANCE NO. 2009-61, AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS BY CONSTRUCTING AN 8-INCH SEWER, PUMP STATIONS AND FORCE MAINS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO (AREA "C"), BY THE AMENDMENT OF SECTION 2 AND SECTION 4 THEREOF, IN ACCORDANCE WITH RESOLUTION NO. 2009-7 ADOPTED ON MAY 11, 2009.

WHEREAS, the City of Willoughby Hills passed Ordinance No. 2009-61, an Ordinance Determining to Proceed with the Improvement of Certain Streets and Municipal Easements by Constructing an 8-inch Sewer, Pump Stations and Force Mains, together with all Necessary Appurtenances Thereto (Area "C"), In Accordance with Resolution No. 2009-7 Adopted on May 11, 2009; and

WHEREAS, the City of Willoughby Hills Council Utilities Committee has subsequently reviewed the letter of request, dated October 12, 2009, from Susan E. Payne, 27305 White Road, Willoughby Hills, Ohio, to Mayor Robert M. Weger for reconsideration of her request for an adjustment to the assessment of her parcel, Permanent Parcel No. 31A007C000040, located at the address noted above; and

WHEREAS, the City of Willoughby Hills Council Utilities Committee, at its November 23, 2009 Meeting, has recommended the reduction of the assessment against the above noted parcel from two (2) Benefit Units to one (1) Benefit Unit with the additional cost of said reduction borne by the assessed properties, as determined at the time of the final assessments for the Area "C" Project; and

WHEREAS, the City of Willoughby Hills Council and Administration concur with the recommendation of the Utilities Committee that the assessment of Susan E. Payne for the parcel noted above should be reduced at such time as information is presented to the Clerk of Council that a deed restriction has been placed on the parcel to prevent the subdivision of the parcel to allow for separate ownership of the two dwelling units presently occupying the parcel as a non-conforming use; that an Agreement shall be executed with the City providing for the demolition and/or otherwise removal of one of the two dwelling units presently occupying the parcel; and that the execution of the deed restrictions and the Agreement shall occur prior to Council's determination of final assessments for the Area "C" Project, now anticipated to occur in June, 2011; and

WHEREAS, the City of Willoughby Hills Councils has determined that it is necessary to amend the referenced Ordinance No. 2009-61 to effect the requested reduction of Benefit Units for Susan E. Payne.

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

SECTION 1. It is hereby determined by this Council that Section 2 of Ordinance No. 2009-61 shall be amended to add the additional wording to Section 2:

"as amended to provide for the reduction of benefit units to be assessed against Permanent Parcel No. 31A-007C-00-004-0, formerly in the name of William R. Payne, Sr., 27305 White Rd., Willoughby Hills, Ohio, and now in the name of Susan E. Payne, 27305 White Rd., Willoughby Hills, Ohio, from two (2) Benefit Units to one (1) Benefit Unit and the assessed properties shall bear the additional cost of the one (1) Benefit Unit, as determined at the time of final assessments for the Area "C" project."

SECTION 2. It is also hereby determined by this Council that Section 4 of Ordinance No. 2009-61 shall be amended to add additional wording to Section 4:

“as amended by Section 1 of Ordinance No. 2010-33 adopted September 9, 2010.”

SECTION 3. It is also hereby determined by this Council that the provisions of Section 1 and Section 2, above, shall not be effective, unless and until:

(a.) Said Susan E. Payne or her agent, 27305 White Road, Willoughby Hills, Ohio, owner of Permanent Parcel No. 31A-007C-00-004-0, executes and files a Deed Restriction together with all associated fees in a form and content approved by the Director of Law of the City of Willoughby Hills with the Clerk of Council of the City of Willoughby Hills, to prevent the subdivision of the subject parcel to allow for separate ownership of the two dwelling units presently occupying said parcel as a non-conforming use; said Susan E. Payne or her agent shall provide a time-stamped copy of the recording of said deed restriction to the Clerk of Council;

(b.) That an Agreement is executed with the City in form and content approved by the Director of Law of the City of Willoughby Hills providing for the demolition and/or otherwise removal of one of the two dwelling units presently occupying the parcel; and

(c.) That the execution of the Deed Restrictions and the Agreement occurs prior to Council's determination of final assessments for the Area "C" Project, now anticipated to occur in June, 2011.


SECTION 4. The actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

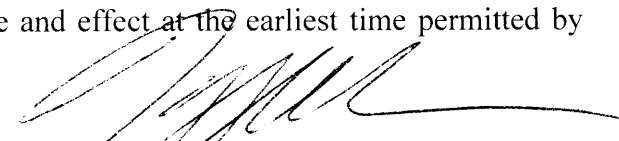
SECTION 5. This Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: September 9, 2010

Submitted to the Mayor for his approval
on this 9 day of September, 2010

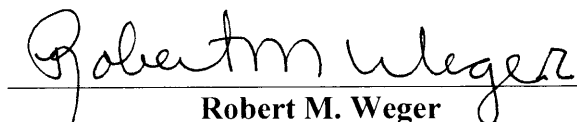
ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor

September 9, 2010


Robert M. Weger
Mayor