

KEVIN D. MALECEK
President of Council

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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
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RAYMOND C. SOMICH

ORDINANCE NO. 2011-48

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF THE STREETS AND CERTAIN MUNICIPAL EASEMENTS IDENTIFIED IN EXHIBIT "A", A.K.A. AREA "C", BY CONSTRUCTING AN 8-INCH SANITARY SEWER, PUMP STATIONS, AND FORCE MAINS; TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the improvement described in Section 1 has been completed and the final cost of that improvement has been determined.

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

SECTION 1. The special assessments for the cost and expense of improving the streets and certain municipal easements identified in **Exhibit "A", (a.k.a. Area "C")**, by constructing an 8-inch sanitary sewer, pump stations and force mains, together with all necessary appurtenances thereto, in accordance with Resolution No. 2009-7, adopted May 11, 2009, amounting in the aggregate to **\$3,967,878**, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 2009-7 in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

SECTION 2. This Council finds and determines that the special assessments are in the same proportion to the estimated special assessments as adjusted and equalized by the Assessment Equalization Board heretofore appointed by Resolution No. 2009-10 adopted May 28, 2009, as the actual cost of the improvement is to the estimated cost of the improvement as originally filed.

SECTION 3. The special assessment against each lot or parcel of land shall be payable in cash on or before thirty (30) days after the date of passage of this Ordinance or, at the option of the owner, in twenty (20) annual installments with interest at the same rate as shall be paid by the City on any loans obtained to pay the cost of the improvement. All cash payments shall be made to the Director of Finance of this City. All special assessments remaining unpaid at the expiration of that cash payment period shall be certified by the Director of Finance to the County Auditor to be placed on the tax duplicate and collected as taxes are collected.

SECTION 4. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City and shall continue to keep on file in the office of the Clerk of Council the special assessments.

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 to begin the cash payment period in order that loans obtained to pay costs of the improvement may be refunded with payments of the assessments in cash; 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: _____, 2011

Kevin D. Malecek
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2011

Approved by the Mayor
_____, 2011

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor