

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 16 - 14

AN ORDINANCE TO MAINTAIN LIGHTING ASSESSMENT AND DECLARING AN EMERGENCY

WHEREAS, Charter Section 3.01 provides the legislative power to levy taxes and assessments; and

WHEREAS, Charter Sections 4.02 and 4.033 requires that actions to levy or enact taxes be taken pursuant to non-emergency ordinance; and

WHEREAS, Randolph Township as predecessor to the City of Clayton had enacted resolution(s) of necessity for artificial lighting assessments in accordance with R.C. 515.08 and utilizing the method whereby the assessments were in an equal amount against each benefited lot, the amount determined by dividing the total cost per annual installment by the number of benefited lots in the affected district; and

WHEREAS, the Village of Clayton, as predecessor to the City of Clayton had enacted legislation for artificial lighting assessments in a manner similar in nature to Randolph Township; and

WHEREAS, the City of Clayton by Resolutions enacted in March, July and November, 1998 authorized the City to enter into a successor street lighting agreement with The Dayton Power & Light Company for a ten year period commencing January 1, 1998 through December 31, 2007 for defined areas of the municipality; and

WHEREAS, the City of Clayton by Resolution No. R-10-07-52, enacted on October 4, 2007, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC, a DPL Inc. subsidiary, dba DPL Energy, for a period of forty-eight (48) months commencing January 1, 2008 and expiring December 31, 2011; and

WHEREAS, the City of Clayton by Resolution No. R-09-10-57, enacted on September 2, 2010, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy Resources, Inc., both subsidiaries of DPL, Inc., for a period through December, 2012; and

WHEREAS, the City of Clayton by Resolution No. R-11-12-72, enacted on November 1, 2012, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy (DPLE) for a period of three years commencing January 1, 2013 and expiring on December 31, 2015; and

WHEREAS, the City of Clayton by Resolution No. R-12-15-85, enacted on December 17, 2015, authorized the City to enter into a successor street lighting agreement with Miami Valley

Lighting (MVLt) for a period of ten years, commencing January 1, 2016 and expiring on December 31, 2025; and

WHEREAS, the City of Clayton by Ordinances in 1999 through 2012 continued the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton; and

WHEREAS, Council desires to continue the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton which benefit therefrom in a manner similar to what has been previously utilized; and

WHEREAS, Council has determined that the method of assessment provided under R.C. 727.01(B) whereby the assessment is levied "in proportion to the benefits that may result from the improvement" is satisfied by continuing to utilize the method previously utilized by Randolph Township, the Village of Clayton and the City of Clayton.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That to provide for the cost and expenses of furnishing and maintaining the lights for lighting the lighting district areas of the City known as:

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|----|-------------|----|-----------------------------|
| A. | Allison | G. | Riverbend Estates |
| B. | Ashbrook | H. | Old Village |
| C. | Ashbrook II | I. | Riverbend Phase II |
| D. | Hilltop | J. | Riverbend Phase III |
| E. | Oak Hill | K. | Wenger Village, Section One |
| F. | Portrait | L. | Wenger Village Section Two |
| | | M. | Village of North Clayton |

in accordance with the terms and rates set forth in the Street Lighting Agreement with Miami Valley Lighting (MVLt) as amended, that there is hereby levied and specially assessed in proportion to the benefits which result or may result from said improvement against the lots within the respective Lighting Districts and each of them within said Lighting Districts, bounding and abutting the streets and public ways to be lighted under said agreement, the amounts paid and to be paid by the City of Clayton to the Miami Valley Lighting (MVLt) in such amounts as are set forth on **Schedules A - M attached hereto.**

2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this ordinance be read on two (2) different days is dispensed with by affirmative vote of at least five (5) of the members of Council.

4. That unless the assessments are immediately passed and submitted to the Auditor of Montgomery County the public peace, health, safety and welfare will be detrimentally affected because the assessments would not appear on the next tax duplicate. Accordingly, pursuant to Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON AUGUST 18, 2016.

AUTHENTICATION:




Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION

This shall certify that this is a true and correct copy of Ordinance No. 08-16-14 enacted by Council on August 18, 2016, recorded in the permanent minutes and records of the City of Clayton, Ohio, and which remains in full force and effect as of the date of this certification.



Clerk of Council

Dated: August 22, 2016

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper	Date of publication
<u>Englewood Independent</u>	<u>August 25, 2016</u>



CLERK

CITY OF CLAYTON STREET LIGHTING 2014

County Code	Parcel ID#	Charge	Fee	Total
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31200	M60 00309 0002	21.90	1.10	23.00
31200	M60 00309 0004	21.90	1.10	23.00
31200	M60 00309 0005	21.90	1.10	23.00
31200	M60 00309 0006	21.90	1.10	23.00
31200	M60 00310 0001	21.90	1.10	23.00
31200	M60 00310 0002	21.90	1.10	23.00
31200	M60 03102 0031	145.41	7.27	152.68
31200	M60 16312 0012	36.04	1.80	37.84
31200	M60 16312 0013	36.04	1.80	37.84
31200	M60 16312 0014	36.04	1.80	37.84
31200	M60 16312 0015	36.04	1.80	37.84
31200	M60 16312 0016	36.04	1.80	37.84
31200	M60 16312 0017	36.04	1.80	37.84
31200	M60 16312 0018	36.04	1.80	37.84
31200	M60 16312 0019	36.04	1.80	37.84
31200	M60 16312 0033	36.04	1.80	37.84
31200	M60 16312 0034	36.04	1.80	37.84
31200	M60 16312 0035	36.04	1.80	37.84
31200	M60 16312 0036	36.04	1.80	37.84
31200	M60 16312 0037	36.04	1.80	37.84

31200	M60 16312 0047	29.99	1.50	31.49
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31200	M60 16312 0049	29.99	1.50	31.49
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31200	M60 16312 0051	29.99	1.50	31.49
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31200	M60 16312 0053	29.99	1.50	31.49
31200	M60 16312 0054	29.99	1.50	31.49
31200	M60 16312 0056	36.04	1.80	37.84
31200	M60 16312 0057	36.04	1.80	37.84
31200	M60 16312 0058	36.04	1.80	37.84
31200	M60 16312 0059	36.04	1.80	37.84
31200	M60 16312 0060	36.04	1.80	37.84
31200	M60 16312 0061	29.99	1.50	31.49
31200	M60 16312 0062	29.99	1.50	31.49
31200	M60 16312 0063	29.99	1.50	31.49
31200	M60 16312 0064	29.99	1.50	31.49
31200	M60 16312 0065	29.99	1.50	31.49
31200	M60 16312 0066	29.99	1.50	31.49
31200	M60 16312 0067	29.99	1.50	31.49
31200	M60 16312 0068	29.99	1.50	31.49
31200	M60 16312 0069	20.18	1.01	21.19
31200	M60 16312 0070	20.18	1.01	21.19
31200	M60 16312 0071	20.18	1.01	21.19
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31200	M60 16312 0073	20.18	1.01	21.19
31200	M60 16312 0074	20.18	1.01	21.19
31200	M60 16312 0075	20.18	1.01	21.19
31200	M60 16312 0076	20.18	1.01	21.19
31200	M60 16312 0077	20.18	1.01	21.19
31200	M60 16312 0078	20.18	1.01	21.19
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31200	M60 16312 0080	20.18	1.01	21.19
31200	M60 16312 0081	20.18	1.01	21.19
31200	M60 16312 0082	20.18	1.01	21.19
31200	M60 16312 0083	20.18	1.01	21.19
31200	M60 16312 0084	20.18	1.01	21.19
31200	M60 16312 0085	20.18	1.01	21.19
31200	M60 16312 0086	20.18	1.01	21.19
31200	M60 16312 0092	29.99	1.50	31.49
31200	M60 16312 0093	29.99	1.50	31.49
31200	M60 16312 0095	20.18	1.01	21.19
31200	M60 16312 0099	29.99	1.50	31.49
31200	M60 16312 0101	29.99	1.50	31.49
31200	M60 16312 0102	20.18	1.01	21.19
31200	M60 16312 0105	29.99	1.50	31.49
31200	M60 16312 0107	20.18	1.01	21.19
31200	M60 16312 0110	20.18	1.01	21.19
31200	M60 16312 0114	29.99	1.50	31.49
31200	M60 16312 0116	20.18	1.01	21.19
31200	M60 16312 0121	20.18	1.01	21.19

31200	M60 16312 0124	29.99	1.50	31.49
31200	M60 16312 0128	20.18	1.01	21.19
31200	M60 16312 0129	20.18	1.01	21.19
31200	M60 16312 0131	20.18	1.01	21.19
31200	M60 16312 0133	20.18	1.01	21.19
31200	M60 16312 0134	20.18	1.01	21.19
31200	M60 16312 0135	20.18	1.01	21.19
31200	M60 16312 0136	36.04	1.80	37.84
31200	M60 16312 0138	29.99	1.50	31.49
31200	M60 16312 0139	29.99	1.50	31.49
31200	M60 16312 0140	29.99	1.50	31.49
31200	M60 16312 0141	20.18	1.01	21.19
31200	M60 16312 0142	29.99	1.50	31.49
31200	M60 16312 0154	20.18	1.01	21.19
31200	M60 16312 0158	29.99	1.50	31.49
31200	M60 16312 0162	36.04	1.80	37.84
31200	M60 16312 0164	29.99	1.50	31.49
31200	M60 16323 0001	145.41	7.27	152.68
31200	M60 16323 0002	145.41	7.27	152.68
31200	M60 16323 0004	145.41	7.27	152.68
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31200	M60 16323 0007	145.41	7.27	152.68
31200	M60 16323 0008	145.41	7.27	152.68
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31200	M60 16323 0012	145.41	7.27	152.68
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31200	M60 16323 0019	145.41	7.27	152.68
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31200	M60 16323 0021	145.41	7.27	152.68
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31200	M60 16323 0029	145.41	7.27	152.68
31200	M60 16323 0030	145.41	7.27	152.68
31200	M60 16323 0031	145.41	7.27	152.68
31200	M60 16323 0032	145.41	7.27	152.68
31200	M60 16323 0033	145.41	7.27	152.68
31200	M60 16323 0034	145.41	7.27	152.68
31200	M60 16323 0035	145.41	7.27	152.68
31200	M60 16323 0036	145.41	7.27	152.68

31200	M60 16323 0038	145.41	7.27	152.68
31200	M60 16323 0039	145.41	7.27	152.68
31200	M60 16323 0040	145.41	7.27	152.68
31200	M60 16323 0041	145.41	7.27	152.68
31200	M60 16323 0042	145.41	7.27	152.68
31200	M60 16323 0043	145.41	7.27	152.68
31200	M60 16323 0044	145.41	7.27	152.68
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31200	M60 16323 0055	145.41	7.27	152.68
31200	M60 16323 0056	145.41	7.27	152.68
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31200	M60 16323 0059	145.41	7.27	152.68
31200	M60 16323 0060	145.41	7.27	152.68
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31200	M60 16323 0067	145.41	7.27	152.68
31200	M60 16323 0068	145.41	7.27	152.68
31200	M60 16323 0069	145.41	7.27	152.68
31200	M60 16323 0070	145.41	7.27	152.68
31200	M60 16323 0071	145.41	7.27	152.68
31200	M60 16323 0072	145.41	7.27	152.68
31200	M60 16323 0073	145.41	7.27	152.68
31200	M60 16323 0074	145.41	7.27	152.68
31200	M60 16323 0075	145.41	7.27	152.68
31200	M60 16323 0076	145.41	7.27	152.68
31200	M60 16323 0077	145.41	7.27	152.68
31200	M60 16324 0001	150.03	7.50	157.53
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31200	M60 16324 0003	150.03	7.50	157.53
31200	M60 16324 0004	150.03	7.50	157.53
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31200	M60 16324 0009	150.03	7.50	157.53
31200	M60 16324 0010	150.03	7.50	157.53
31200	M60 16324 0011	150.03	7.50	157.53
31200	M60 16324 0012	150.03	7.50	157.53

31200	M60 16324 0013	150.03	7.50	157.53
31200	M60 16324 0014	150.03	7.50	157.53
31200	M60 16324 0015	150.03	7.50	157.53
31200	M60 16324 0016	150.03	7.50	157.53
31200	M60 16324 0017	150.03	7.50	157.53
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31200	M60 16324 0019	150.03	7.50	157.53
31200	M60 16324 0020	150.03	7.50	157.53
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31200	M60 16324 0024	150.03	7.50	157.53
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31200	M60 16324 0027	150.03	7.50	157.53
31200	M60 16324 0028	150.03	7.50	157.53
31200	M60 16324 0029	150.03	7.50	157.53
31200	M60 16324 0030	150.03	7.50	157.53
31200	M60 16324 0031	150.03	7.50	157.53
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31200	M60 16324 0033	150.03	7.50	157.53
31200	M60 16324 0034	150.03	7.50	157.53
31200	M60 16324 0035	150.03	7.50	157.53
31200	M60 16324 0036	150.03	7.50	157.53
31200	M60 16325 0002	145.41	7.27	152.68
31200	M60 16325 0009	145.41	7.27	152.68
31200	M60 16326 0001	109.40	5.47	114.87
31200	M60 16326 0002	109.40	5.47	114.87
31200	M60 16326 0003	109.40	5.47	114.87
31200	M60 16326 0004	109.40	5.47	114.87
31200	M60 16326 0005	109.40	5.47	114.87
31200	M60 16326 0006	109.40	5.47	114.87
31200	M60 16326 0007	109.40	5.47	114.87
31200	M60 16326 0008	109.40	5.47	114.87
31200	M60 16326 0009	109.40	5.47	114.87
31200	M60 16326 0010	109.40	5.47	114.87
31200	M60 16326 0011	109.40	5.47	114.87
31200	M60 16326 0012	109.40	5.47	114.87
31200	M60 16326 0013	109.40	5.47	114.87
31200	M60 16326 0014	109.40	5.47	114.87
31200	M60 16326 0015	109.40	5.47	114.87
31200	M60 16326 0019	109.40	5.47	114.87
31200	M60 16408 0005	20.18	1.01	21.19
31200	M60 16408 0006	20.18	1.01	21.19
31200	M60 25016 0001	47.77	2.39	50.16
31200	M60 25016 0002	47.77	2.39	50.16
31200	M60 25016 0003	47.77	2.39	50.16
31200	M60 25016 0004	47.77	2.39	50.16
31200	M60 25016 0006	47.77	2.39	50.16
31200	M60 25016 0007	47.77	2.39	50.16
31200	M60 25016 0008	47.77	2.39	50.16
31200	M60 25016 0009	47.77	2.39	50.16

31200	M60 25016 0010	47.77	2.39	50.16
31200	M60 25016 0011	47.77	2.39	50.16
31200	M60 25016 0012	47.77	2.39	50.16
31200	M60 25016 0013	47.77	2.39	50.16
31200	M60 25016 0014	47.77	2.39	50.16
31200	M60 25016 0015	47.77	2.39	50.16
31200	M60 25016 0016	47.77	2.39	50.16
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31200	M60 25017 0002	47.77	2.39	50.16
31200	M60 25017 0003	47.77	2.39	50.16
31200	M60 25017 0004	47.77	2.39	50.16
31200	M60 25017 0005	47.77	2.39	50.16
31200	M60 25017 0006	47.77	2.39	50.16
31200	M60 25017 0007	47.77	2.39	50.16
31200	M60 25017 0008	47.77	2.39	50.16
31200	M60 25017 0009	47.77	2.39	50.16
31200	M60 25017 0010	47.77	2.39	50.16
31200	M60 25017 0011	47.77	2.39	50.16
31200	M60 25017 0012	47.77	2.39	50.16
31200	M60 25017 0013	47.77	2.39	50.16
31200	M60 25018 0003	28.13	1.41	29.54
31200	M60 25018 0004	28.13	1.41	29.54
31200	M60 25019 0001	28.13	1.41	29.54
31200	M60 25019 0002	28.13	1.41	29.54
31200	M60 25019 0003	28.13	1.41	29.54
31200	M60 25019 0004	28.13	1.41	29.54
31200	M60 25019 0005	28.13	1.41	29.54
31200	M60 25020 0001	28.13	1.41	29.54
31200	M60 25020 0002	28.13	1.41	29.54
31200	M60 25208 0001	46.36	2.32	48.68
31200	M60 25208 0002	46.36	2.32	48.68
31200	M60 25208 0003	46.36	2.32	48.68
31200	M60 25208 0004	46.36	2.32	48.68
31200	M60 25208 0005	46.36	2.32	48.68
31200	M60 25208 0006	46.36	2.32	48.68
31200	M60 25208 0007	46.36	2.32	48.68
31200	M60 25208 0008	46.36	2.32	48.68
31200	M60 25208 0009	46.36	2.32	48.68
31200	M60 25208 0010	46.36	2.32	48.68
31200	M60 25208 0011	46.36	2.32	48.68
31200	M60 25208 0012	46.36	2.32	48.68
31200	M60 25208 0013	46.36	2.32	48.68
31200	M60 25208 0014	46.36	2.32	48.68
31200	M60 25208 0015	46.36	2.32	48.68
31200	M60 28520 0001	29.91	1.50	31.41
31200	M60 28520 0002	29.91	1.50	31.41
31200	M60 28520 0003	29.91	1.50	31.41
31200	M60 28520 0004	29.91	1.50	31.41

31200	M60 28520 0005	29.91	1.50	31.41
31200	M60 28520 0006	29.91	1.50	31.41
31200	M60 28520 0007	29.91	1.50	31.41
31200	M60 28520 0008	29.91	1.50	31.41
31200	M60 28520 0009	29.91	1.50	31.41
31200	M60 28520 0010	29.91	1.50	31.41
31200	M60 28520 0011	29.91	1.50	31.41
31200	M60 28520 0012	29.91	1.50	31.41
31200	M60 28520 0013	29.91	1.50	31.41
31200	M60 28520 0014	29.91	1.50	31.41
31200	M60 28520 0015	29.91	1.50	31.41
31200	M60 28520 0016	29.91	1.50	31.41
31200	M60 28520 0017	29.91	1.50	31.41
31200	M60 28520 0018	29.91	1.50	31.41
31200	M60 28520 0019	29.91	1.50	31.41
31200	M60 28520 0020	29.91	1.50	31.41
31200	M60 28526 0001	33.29	1.66	34.95
31200	M60 28526 0002	33.29	1.66	34.95
31200	M60 28526 0003	33.29	1.66	34.95
31200	M60 28526 0004	33.29	1.66	34.95
31200	M60 28526 0005	33.29	1.66	34.95
31200	M60 28526 0006	33.29	1.66	34.95
31200	M60 28526 0007	33.29	1.66	34.95
31200	M60 28526 0008	33.29	1.66	34.95
31200	M60 28526 0009	33.29	1.66	34.95
31200	M60 28526 0010	33.29	1.66	34.95
31200	M60 28526 0011	33.29	1.66	34.95
31200	M60 28526 0012	33.29	1.66	34.95
31200	M60 28526 0013	33.29	1.66	34.95
31200	M60 28526 0014	33.29	1.66	34.95
31200	M60 28526 0015	33.29	1.66	34.95
31200	M60 28527 0001	33.29	1.66	34.95
31200	M60 28527 0002	33.29	1.66	34.95
31200	M60 28527 0003	33.29	1.66	34.95
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31200	M60 28527 0005	33.29	1.66	34.95
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31200	M60 28527 0007	33.29	1.66	34.95
31200	M60 28527 0008	33.29	1.66	34.95
31200	M60 28527 0009	33.29	1.66	34.95
31200	M60 28527 0010	33.29	1.66	34.95
31200	M60 28527 0011	33.29	1.66	34.95
31200	M60 28527 0012	33.29	1.66	34.95
31200	M60 28527 0013	33.29	1.66	34.95
31200	M60 28527 0014	33.29	1.66	34.95
31200	M60 28527 0015	33.29	1.66	34.95
31200	M60 28528 0001	24.75	1.24	25.99
31200	M60 28528 0002	24.75	1.24	25.99
31200	M60 28528 0003	24.75	1.24	25.99
31200	M60 28528 0004	24.75	1.24	25.99
31200	M60 28528 0005	24.75	1.24	25.99

31200	M60 28528 0006	24.75	1.24	25.99
31200	M60 28528 0007	24.75	1.24	25.99
31200	M60 28528 0008	24.75	1.24	25.99
31200	M60 28528 0009	24.75	1.24	25.99
31200	M60 28528 0010	24.75	1.24	25.99
31200	M60 28528 0011	24.75	1.24	25.99
31200	M60 28528 0012	24.75	1.24	25.99
31200	M60 28529 0001	24.75	1.24	25.99
31200	M60 28529 0002	24.75	1.24	25.99
31200	M60 28529 0003	24.75	1.24	25.99
31200	M60 28529 0004	24.75	1.24	25.99
31200	M60 28529 0005	24.75	1.24	25.99
31200	M60 28529 0006	24.75	1.24	25.99
31200	M60 28529 0007	24.75	1.24	25.99
31200	M60 28529 0008	24.75	1.24	25.99
31200	M60 28529 0009	24.75	1.24	25.99
31200	M60 28529 0010	24.75	1.24	25.99
31200	M60 28529 0011	24.75	1.24	25.99
31200	M60 28529 0012	24.75	1.24	25.99
31200	M60 28529 0013	24.75	1.24	25.99
31200	M60 28529 0014	24.75	1.24	25.99
31200	M60 28529 0015	24.75	1.24	25.99
31200	M60 28529 0016	24.75	1.24	25.99
31200	M60 28529 0017	24.75	1.24	25.99
		\$31,402.43	\$1,570.12	\$32,972.55