

# CITY OF CLAYTON, OHIO

## ORDINANCE NO. O – 08 - 22 – 28

### AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2022/2023 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (FIVE ANNUAL INSTALLMENTS) AND DECLARING AN EMERGENCY

WHEREAS, the City Staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on **Exhibit A** appended to the previously adopted Resolution of Necessity No. R-02-21-12 enacted on February 4, 2021; and

WHEREAS, the aforementioned Resolution of Necessity provided that in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to April 12, 2021 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon; and

WHEREAS, consistent with the aforementioned Resolution of Necessity, the City has caused certain curbs and gutters to be repaired and/or removed and replaced and a List of Estimated Assessments relative to same was provided to the subject property owners via publication per CCO 904.04(e) and issued to Council on August 12, 2022; and

WHEREAS, the Clerk of Council has delivered to Council all objections to the Estimated Assessments received to date, if any, and Council has reviewed same and desires to adopt the present Ordinance in order to levy upon the lots and lands enumerated in the List of Estimated Assessments the amounts set forth on such List of Estimated Assessments and attached hereto as **Exhibit A**.

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

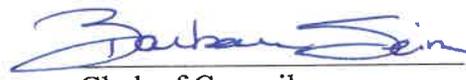
1. That Council hereby approves and adopts the attached List of Estimated Assessments and levies same and the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached List of Estimated Assessments for 2022/2023 curbs and gutters repair/replacement assessments within the City of Clayton, Ohio by the City of Clayton, Ohio. The List, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for said work. The City requests that these charges be made a lien against the respective properties in accordance with Ohio Revised Code 729.01, et. seq.

2. ***That the attached Assessments NOT in excess of \$2,500.00 shall be payable in annual installments not exceeding five.***
3. That Assessments may be payable in cash until Friday, September 2, 2022.
4. That no later than Tuesday, September 6, 2022, the Clerk is directed to forward a certified copy of this Ordinance to the Montgomery County Auditor.
5. 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.
6. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
7. 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 and passage as an emergency will enable the City to timely assert its lien rights prior to properties being sold and/or transferred. 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.

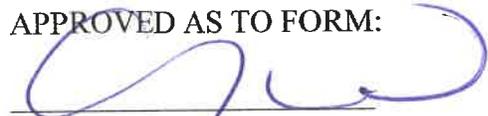
ADOPTED BY COUNCIL ON AUGUST 18, 2022.

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. O-08-22-28 enacted by Council on August 18, 2022 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.

*Zachary Stein*

Clerk of Council

Dated: August 18, 2022

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

Brookville Star

Date of publication

August 24, 2022

*Zachary Stein*

CLERK

Parcel ID	Project Number	Tax Year	Amount	Exhibit A
M60 03107 0081		2022	\$207.39	
M60 03107 0081		2023	\$207.39	
M60 03107 0081		2024	\$207.39	
M60 03107 0081		2025	\$207.39	
M60 03107 0081		2026	\$207.39	
M60 25001 0021		2022	\$354.57	
M60 25001 0021		2023	\$354.57	
M60 25001 0021		2024	\$354.57	
M60 25001 0021		2025	\$354.57	
M60 25001 0021		2026	\$354.57	
M60 25001 0022		2022	\$367.95	
M60 25001 0022		2023	\$367.95	
M60 25001 0022		2024	\$367.95	
M60 25001 0022		2025	\$367.95	
M60 25001 0022		2026	\$367.95	
M60 25001 0023		2022	\$194.01	
M60 25001 0023		2023	\$194.01	
M60 25001 0023		2024	\$194.01	
M60 25001 0023		2025	\$194.01	
M60 25001 0023		2026	\$194.01	
M60 25001 0026		2022	\$495.06	
M60 25001 0026		2023	\$495.06	
M60 25001 0026		2024	\$495.06	
M60 25001 0026		2025	\$495.06	
M60 25001 0026		2026	\$495.06	
M60 25001 0028		2022	\$225.57	
M60 25001 0028		2023	\$225.57	
M60 25001 0028		2024	\$225.57	
M60 25001 0028		2025	\$225.57	
M60 25001 0028		2026	\$225.57	
M60 25001 0029		2022	\$80.28	
M60 25001 0029		2023	\$80.28	
M60 25001 0029		2024	\$80.28	
M60 25001 0029		2025	\$80.28	
M60 25001 0029		2026	\$80.28	
M60 25001 0030		2022	\$113.73	
M60 25001 0030		2023	\$113.73	
M60 25001 0030		2024	\$113.73	
M60 25001 0030		2025	\$113.73	
M60 25001 0030		2026	\$113.73	
M60 25011 0006		2022	\$33.45	
M60 25011 0006		2023	\$33.45	
M60 25011 0006		2024	\$33.45	
M60 25011 0006		2025	\$33.45	
M60 25011 0006		2026	\$33.45	
M60 25011 0007		2022	\$484.25	
M60 25011 0007		2023	\$484.25	
M60 25011 0007		2024	\$484.25	
M60 25011 0007		2025	\$484.25	
M60 25011 0007		2026	\$484.25	
M60 25011 0008		2022	\$133.80	
M60 25011 0008		2023	\$133.80	
M60 25011 0008		2024	\$133.80	
M60 25011 0008		2025	\$133.80	

M60 25011 0008	2026	\$133.80
M60 25308 0008	2022	\$401.94
M60 25308 0008	2023	\$401.94
M60 25308 0008	2024	\$401.94
M60 25308 0008	2025	\$401.94
M60 25308 0008	2026	\$401.94
M60 25308 0010	2022	\$94.50
M60 25308 0010	2023	\$94.50
M60 25308 0010	2024	\$94.50
M60 25308 0010	2025	\$94.50
M60 25308 0010	2026	\$94.50
M60 25314 0002	2022	\$180.63
M60 25314 0002	2023	\$180.63
M60 25314 0002	2024	\$180.63
M60 25314 0002	2025	\$180.63
M60 25314 0002	2026	\$180.63
M60 25314 0008	2022	\$66.90
M60 25314 0008	2023	\$66.90
M60 25314 0008	2024	\$66.90
M60 25314 0008	2025	\$66.90
M60 25314 0008	2026	\$66.90
M60 25314 0009	2022	\$140.49
M60 25314 0009	2023	\$140.49
M60 25314 0009	2024	\$140.49
M60 25314 0009	2025	\$140.49
M60 25314 0009	2026	\$140.49
M60 25314 0010	2022	\$398.81
M60 25314 0010	2023	\$398.81
M60 25314 0010	2024	\$398.81
M60 25314 0010	2025	\$398.81
M60 25314 0010	2026	\$398.81
M60 25314 0012	2022	\$240.84
M60 25314 0012	2023	\$240.84
M60 25314 0012	2024	\$240.84
M60 25314 0012	2025	\$240.84
M60 25314 0012	2026	\$240.84
M60 25314 0013	2022	\$367.95
M60 25314 0013	2023	\$367.95
M60 25314 0013	2024	\$367.95
M60 25314 0013	2025	\$367.95
M60 25314 0013	2026	\$367.95
M60 25314 0014	2022	\$334.50
M60 25314 0014	2023	\$334.50
M60 25314 0014	2024	\$334.50
M60 25314 0014	2025	\$334.50
M60 25314 0014	2026	\$334.50
M60 25314 0015	2022	\$314.43
M60 25314 0015	2023	\$314.43
M60 25314 0015	2024	\$314.43
M60 25314 0015	2025	\$314.43
M60 25314 0015	2026	\$314.43
M60 25315 0002	2022	\$454.92
M60 25315 0002	2023	\$454.92
M60 25315 0002	2024	\$454.92
M60 25315 0002	2025	\$454.92

M60 25315 0002	2026	\$454.92
M60 25315 0003	2022	\$388.02
M60 25315 0003	2023	\$388.02
M60 25315 0003	2024	\$388.02
M60 25315 0003	2025	\$388.02
M60 25315 0003	2026	\$388.02
M60 25315 0007	2022	\$133.80
M60 25315 0007	2023	\$133.80
M60 25315 0007	2024	\$133.80
M60 25315 0007	2025	\$133.80
M60 25315 0007	2026	\$133.80
M60 25315 0008	2022	\$66.90
M60 25315 0008	2023	\$66.90
M60 25315 0008	2024	\$66.90
M60 25315 0008	2025	\$66.90
M60 25315 0008	2026	\$66.90
M60 25315 0011	2022	\$274.29
M60 25315 0011	2023	\$274.29
M60 25315 0011	2024	\$274.29
M60 25315 0011	2025	\$274.29
M60 25315 0011	2026	\$274.29
M60 25315 0016	2022	\$93.66
M60 25315 0016	2023	\$93.66
M60 25315 0016	2024	\$93.66
M60 25315 0016	2025	\$93.66
M60 25315 0016	2026	\$93.66
M60 25315 0017	2022	\$267.60
M60 25315 0017	2023	\$267.60
M60 25315 0017	2024	\$267.60
M60 25315 0017	2025	\$267.60
M60 25315 0017	2026	\$267.60
M60 25407 0022	2022	\$215.00
M60 25407 0022	2023	\$215.00
M60 25407 0022	2024	\$215.00
M60 25407 0022	2025	\$215.00
M60 25407 0022	2026	\$215.00
M60 28508 0004	2022	\$428.16
M60 28508 0004	2023	\$428.16
M60 28508 0004	2024	\$428.16
M60 28508 0004	2025	\$428.16
M60 28508 0004	2026	\$428.16
M60 28508 0006	2022	\$113.73
M60 28508 0006	2023	\$113.73
M60 28508 0006	2024	\$113.73
M60 28508 0006	2025	\$113.73
M60 28508 0006	2026	\$113.73
M60116416 0034	2022	\$100.35
M60116416 0034	2023	\$100.35
M60116416 0034	2024	\$100.35
M60116416 0034	2025	\$100.35
M60116416 0034	2026	\$100.35