

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 – 23 – 17

AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE 2023/2024 NORTH CLAYTON COMMUNITY AUTHORITY CHARGE ASSESSMENTS TO THE MONTGOMERY COUNTY AUDITOR AND DECLARING AN EMERGENCY

WHEREAS, the North Clayton Community Authority (the "Community Authority") is a new community authority established pursuant to Ohio Revised Code Chapter 349, by action of the Board of County Commissioners of Montgomery County, Ohio by Resolution No. 09-0510 adopted March 17, 2009 and Resolution No. 09-0555 adopted March 24, 2009; and

WHEREAS, the jurisdiction of the Community Authority extends to that area defined as the North Clayton Community Authority District (hereinafter the "Community Authority District") and consisting of approximately 101.455 acres of property; and

WHEREAS, the Community Authority either has imposed a community authority development charge pursuant to Ohio Revised Code Section 349.07 upon assessed valuation of property within the Community Authority District or such other methods as are permitted under Ohio Revised Code Section 349.01(L) and utilize funds generated from such charges to pay for, among other things, maintenance and replacement of said improvements either by contracting directly with third party contractors or by reimbursing Clayton for such expenses; and

WHEREAS, the City of Clayton Council, via passage of Resolution No. R-02-10-15, on February 18, 2010, approved a Maintenance Agreement between the City of Clayton and the North Clayton Community Authority which states, in relevant part, "To the extent that the Community Authority desires that said unpaid charges [Community Authority Development Charges] be certified to the Montgomery County Auditor for placement on the tax lists and duplicates of real property opposite the parcel against which it is charged, it shall provide a list to the Clayton Finance Director with sufficient time to provide such certification and shall cooperate with all requirements necessary thereto."; and

WHEREAS, the Community Authority has provided a list to the Clayton Finance Director identifying unpaid Community Authority Development Charges and requesting same be certified to the County Auditor consistent with the above referenced term of the Maintenance Agreement entered into between the City of Clayton and the North Clayton Community Authority; and

WHEREAS, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

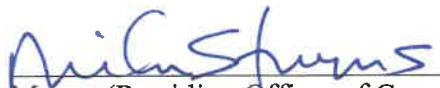
WHEREAS, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments.

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

1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s), those amounts set forth which represent unpaid North Clayton Community Authority Development Charges. The appended list(s) are incorporated herein and made a part hereof.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
4. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) members of Council.
5. 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.

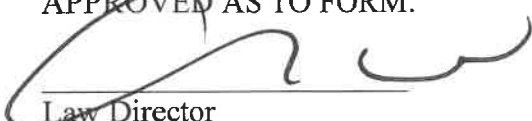
ADOPTED BY COUNCIL ON AUGUST 17, 2023.

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-08-23-17 enacted by Council on August 17, 2023, 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 17, 2023

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

Register Herald

Date of publication

August 23, 2023



CLERK

Exhibit A

Parcel ID	Project Number	Tax Year	Amount
M60 03102 0037	33100	2023	220.00
M60 03102 0009	33100	2023	220.00
M60 03102 0016	33100	2023	220.00
M60 03102 0108	33100	2023	220.00
M60 03102 0031	33100	2023	220.00
M60 16323 0007	33100	2023	220.00
M60 16323 0019	33100	2023	220.00
M60 16323 0020	33100	2023	220.00
M60 16323 0021	33100	2023	220.00
M60 16323 0022	33100	2023	220.00
M60 16323 0023	33100	2023	220.00
M60 16323 0026	33100	2023	220.00
M60 16323 0027	33100	2023	220.00
M60 16323 0028	33100	2023	220.00
M60 16323 0030	33100	2023	220.00
M60 16323 0031	33100	2023	220.00
M60 16323 0038	33100	2023	220.00
M60 16323 0039	33100	2023	220.00
M60 16323 0040	33100	2023	715.00
M60 16323 0041	33100	2023	220.00
M60 16323 0043	33100	2023	660.00
M60 16323 0046	33100	2023	220.00
M60 16323 0047	33100	2023	220.00
M60 16323 0052	33100	2023	220.00
M60 16323 0053	33100	2023	220.00
M60 16323 0054	33100	2023	220.00
M60 16323 0055	33100	2023	220.00
M60 16323 0057	33100	2023	660.00
M60 16323 0058	33100	2023	220.00
M60 16323 0059	33100	2023	220.00
M60 16323 0060	33100	2023	220.00
M60 16323 0062	33100	2023	220.00
M60 16323 0063	33100	2023	220.00
M60 16323 0064	33100	2023	220.00
M60 16323 0065	33100	2023	220.00
M60 16323 0066	33100	2023	220.00
M60 16323 0067	33100	2023	220.00
M60 16323 0068	33100	2023	220.00
M60 16323 0069	33100	2023	220.00
M60 16323 0070	33100	2023	220.00

10,175.00