

# CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 25 – 14

## **AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2025/2026 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (TEN 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-03-25-23 enacted on March 20, 2025 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 25, 2025 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 March 14, 2025; 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 2025/2026 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 in excess of \$2,500.00 shall be payable in annual installments not exceeding ten.*
3. That Assessments may be payable in cash until Friday, August 29, 2025.
4. That no later than Monday, September 8, 2025, 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 SEPTEMBER 4, 2025.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

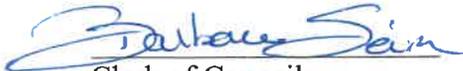
  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Law Director

CERTIFICATION

This shall certify that this is a true and correct copy of Ordinance No. O-08-25-14 enacted by Council on September 4, 2025 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.

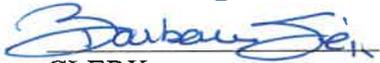
  
Clerk of Council

Dated: September 4, 2025

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>Eaton Register Herald</u> | <u>September 10, 2025</u> |

  
CLERK

| <b>Parcel ID</b> | <b>Project Code</b> | <b>Tax Year</b> | <b>Total Resident Charge</b> |
|------------------|---------------------|-----------------|------------------------------|
| M60 25217 0033   |                     | 2025            | 252.00                       |
| M60 25217 0033   |                     | 2026            | 252.00                       |
| M60 25217 0033   |                     | 2027            | 252.00                       |
| M60 25217 0033   |                     | 2028            | 252.00                       |
| M60 25217 0033   |                     | 2029            | 252.00                       |
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| M60 28511 0001   |                     | 2030            | 277.20                       |
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| M60 25222 0002   |                     | 2031            | 294.00                       |

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| M60 25222 0002 |  | 2033 | 294.00 |
| M60 25222 0002 |  | 2034 | 294.00 |
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| M60 05217 0035 |  | 2026 | 357.00 |
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135,371.10