

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 08 - 25 -16

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, 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 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 |
| | | N. | Wenger Village, Section Three |
| | | O. | Hunter's Path |
| | | P. | Hunter's Path Phase Two |

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 - P** attached hereto.

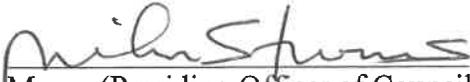
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

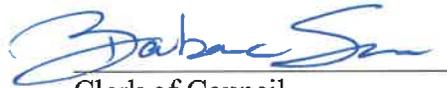
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) members of Council.

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 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-08-25-16 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.

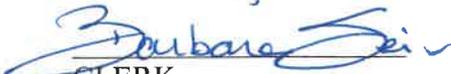

Clerk of Council

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 Eaton Register Herald Date of publication September 10, 2025


CLERK

Parcel ID	Project Number	Tax Year	Amount
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M60 03207 0210	31200	2025	52.85
M60 03207 0211	31200	2025	52.85
M60 03207 0212	31200	2025	52.85
M60 03207 0213	31200	2025	52.85
M60 03207 0214	31200	2025	52.85
M60 03207 0215	31200	2025	52.85
M60 03207 0216	31200	2025	52.85
M60 03207 0217	31200	2025	52.85
M60 03207 0218	31200	2025	52.85
M60 03207 0219	31200	2025	52.85
M60 03207 0220	31200	2025	52.85
M60 03207 0221	31200	2025	52.85
M60 03207 0222	31200	2025	52.85
M60 03207 0223	31200	2025	52.85
M60 03207 0224	31200	2025	52.85
M60 03207 0225	31200	2025	52.85
M60 03207 0226	31200	2025	52.85
M60 03207 0227	31200	2025	52.85
M60 03207 0228	31200	2025	52.85
M60 03207 0229	31200	2025	52.85
M60 03207 0230	31200	2025	52.85
M60 03207 0231	31200	2025	52.85
M60 03207 0232	31200	2025	52.85
M60 03207 0233	31200	2025	52.85
M60 03207 0234	31200	2025	52.85

\$44,299.49