

RESOLUTION NO.	<u>2023-65</u>	FIRST READING	<u>October 23, 2023</u>
INTRODUCED BY:	<u>CHRIS BERGER</u>	SECOND READING	<u>WAIVED</u>
		THIRD READING	<u>WAIVED</u>

**A RESOLUTION DECLARING IT NECESSARY AND DETERMINING TO PROCEED WITH ACQUIRING, CONSTRUCTING, INSTALLING, EQUIPPING, IMPROVING, MAINTAINING AND REPAIRING IMPROVEMENTS NECESSARY FOR MAKING IMPROVEMENTS TO ABATE EROSION ALONG PROPERTIES WITHIN THE VILLAGE OF SOUTH RUSSELL INCLUDED WITHIN THE GEAUGA COUNTY EROSION CONTROL SPECIAL IMPROVEMENT DISTRICT, INC., TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND DECLARING AN EMERGENCY.**

**WHEREAS**, property owners within the Village of South Russell petitioned this Council to form a shoreline special improvement district to provide assistance in abating erosion, and this Council approved such petitions and joined in the formation of the Geauga County Erosion Control Special Improvement District, Inc. (the "SID");

**WHEREAS**, owners of property within the SID have submitted a special assessment improvement petition to this Council in accordance with the Improvement Plan implemented by the SID requesting that erosion abatement improvements proceed on their property and that the Village levy special assessments upon their property for the costs of those erosion abatement improvements pursuant to Chapters 727 and 1710 of the Revised Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF SOUTH RUSSELL, GEAUGA COUNTY, OHIO, THAT:**

**SECTION 1.** It is hereby declared necessary to improve in the Village of South Russell the property listed on Attachment A hereto and incorporated by reference hereby (collectively, the "Assessment Properties") by acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion, together with all necessary appurtenances thereto (the "Improvements"). It is hereby further determined to proceed with the Improvements as described herein.

**SECTION 2.** The plans, specifications and profiles of the Improvements and the estimates of cost of the Improvements as set forth in the Improvement Petition filed by the owner of the Assessment Properties to be improved and assessed and now on file in the office of the Fiscal Officer of this Council, are adopted and approved. It is hereby determined to proceed with the Improvements which shall be made and in accordance with those plans, specifications, profiles and estimates of cost for the Improvements and with the route and termini and other details and descriptions as set forth therein.

**SECTION 3.** This Council finds and determines that the Improvements constitute "public improvements" and "shoreline improvement projects" under Section 1710.01 of the Revised Code and are conducive to the public health, convenience and welfare of this Village and its inhabitants, and the lots and lands to be assessed as described in Section 4 are specially benefited by the Improvements.

**SECTION 4.** The entire cost of the Improvement for each parcel shall be assessed in proportion to the benefits that may result from the Improvement upon each the Assessment Property.

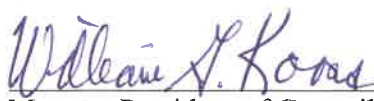
**SECTION 5.** All claims for damages resulting from the Improvements that have been legally filed shall be inquired into after completion of the Improvements, and the legal officer of the Village is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

**SECTION 6.** The special assessments to be levied on the Assessment Properties shall be paid in 15 annual (30 semiannual) installments, with interest on the unpaid balance of each special assessment at the same rate as shall be borne by the bonds to be issued on behalf of the Village and SID, with such issuance of bonds hereby requested by the Village by and through such issuing authority as determined by the SID, in anticipation of the collection of the unpaid special assessments; provided that, the owners of the Assessment Properties may pay all or a portion of the special assessment in cash prior to its certification for collection with the County Auditor.

**SECTION 7.** The Fiscal Officer shall deliver a certified copy of this resolution to the County Auditor within 15 days after its passage.

**SECTION 8.** It is found and determined that all formal actions of this Council relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after December 2, 1975, that resulted in formal actions, were conducted in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

**SECTION 9.** This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason that the Village desires to permit interested property owners conducting erosion control measures and participating in the special improvement district to obtain resources sufficient to complete those measures as quickly as possible; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this resolution shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor.

  
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Mayor – President of Council

ATTEST:

  
\_\_\_\_\_  
Fiscal Officer

I certify that Resolution No. 2023-05 was duly enacted on the 23<sup>RD</sup> day of OCTOBER, 2023, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.

Danella Romanowski  
Fiscal Officer

**ATTACHMENT A – ASSESSMENT PARCELS**

Those parcels identified in the land records of the County of Geauga, Ohio as follows:

<b>MANOR BROOK GARDENS OWNERS ASSOCIATION, INC. Unit Owners by Address</b>			
<b>Parcel No.</b>	<b>Address in Village of South Russell</b>	<b>Owner Name</b>	<b>Assessment Amount</b>
<a href="#">29-095671</a>	100 MANOR BROOK DR	MONROE MARY ALICE TRUSTEE	\$6,987.00
<a href="#">29-095657</a>	101 MANOR BROOK DR	KARGES GARY R TRUSTEE	\$6,987.00
<a href="#">29-095670</a>	102 MANOR BROOK DR	IRR RICHARD A & BARBARA E	\$6,987.00
<a href="#">29-095658</a>	103 MANOR BROOK DR	DEVINE BRETT M & KATHLEEN T	\$6,987.00
<a href="#">29-095669</a>	104 MANOR BROOK DR	MORROW LAWRENCE D TOD & ROSARY M TOD	\$6,987.00
<a href="#">29-095659</a>	105 MANOR BROOK DR	MC CREARY CHARLES J TRUSTEE	\$6,987.00
<a href="#">29-095668</a>	106 MANOR BROOK DR	MANCHESTER ELIZABETH P	\$6,987.00
<a href="#">29-095660</a>	107 MANOR BROOK DR	THIE PAUL L JR TRUSTEE	\$6,987.00
<a href="#">29-095661</a>	109 MANOR BROOK DR	THALMAN LOIS H TRUSTEE	\$6,987.00
<a href="#">29-107601</a>	110 MANOR BROOK DR	SEMINARO EUGENE A & VALARIE E	\$6,987.00
<a href="#">29-095662</a>	111 MANOR BROOK DR	BAKER JOHN T & NANCY H	\$6,987.00
<a href="#">29-107602</a>	112 MANOR BROOK DR	EELLS SAMUEL JR TOD & ELIZABETH TOD	\$6,987.00
<a href="#">29-095651</a>	113 MANOR BROOK DR	MERRIMAN ARTHUR G JR & ROSEMARY M CO TRUSTEES	\$6,987.00
<a href="#">29-107603</a>	114 MANOR BROOK DR	CARGO LINDA ROCKWELL TRUSTEE	\$6,987.00
<a href="#">29-095652</a>	115 MANOR BROOK DR	MORAN WILLIAM J & NANCY L	\$6,987.00
<a href="#">29-107604</a>	116 MANOR BROOK DR	JOYCE DAVID P & KELLY A	\$6,987.00
<a href="#">29-095653</a>	117 MANOR BROOK DR	BROOKS WENDY M TRUSTEE	\$6,987.00
<a href="#">29-095667</a>	118 MANOR BROOK DR	OLDEN MAUREEN K TRUSTEE	\$6,987.00
<a href="#">29-095654</a>	119 MANOR BROOK DR	WALTERS JOSEPH A & FRANCES L Z	\$6,987.00
<a href="#">29-095666</a>	120 MANOR BROOK DR	OSBORNE CAROLYN ELIZABETH TOD	\$6,987.00
<a href="#">29-095655</a>	121 MANOR BROOK DR	HUTCH ALICE TRUSTEE	\$6,987.00
<a href="#">29-095665</a>	122 MANOR BROOK DR	BLACKFORD MELINDA J	\$6,987.00
<a href="#">29-095656</a>	123 MANOR BROOK DR	HITCHCOCK JOHN & MARILYN	\$6,987.00

<a href="#">29-095664</a>	124 MANOR BROOK DR	ANGELINO RICHARD N & SUSAN R	\$6,987.00
<a href="#">29-095647</a>	125 MANOR BROOK DR	BONDI JANE A	\$6,987.00
<a href="#">29-095663</a>	126 MANOR BROOK DR	SHEA QUINLAN J JR & HEDWIG S	\$6,987.00
<a href="#">29-095648</a>	127 MANOR BROOK DR	HILL MARK M & ELIZABETH M	\$6,987.00
<a href="#">29-095649</a>	129 MANOR BROOK DR	SHEPARD JANET M	\$6,987.00
<a href="#">29-095650</a>	131 MANOR BROOK DR	BRICKEL SARAH JANE	\$6,987.00