

ORDINANCE NO.	<u>2023-66</u>	FIRST READING	<u>October 23, 2023</u>
		SECOND READING	<u>WAIVED</u>
INTRODUCED BY:	<u>CHRIS BERGER</u>	THIRD READING	<u>WAIVED</u>

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR 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, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND DECLARING AN EMERGENCY.

WHEREAS, property owners within the Village of South Russell (“Village”) 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, property owners 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 properties and that the Village levy special assessments upon their properties for the costs of those erosion abatement improvements pursuant to Chapters 727 and 1710 of the Revised Code; and

WHEREAS, this Council has declared the necessity and determined to proceed with the improvements as petitioned pursuant to its ordinance heretofore adopted (the “Resolution of Necessity and Determination to Proceed”);

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

SECTION 1. The special assessments for the cost and expense of acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion, together with all necessary appurtenances thereto (the “Improvements”) pursuant to the Resolution of Necessity and Determination to Proceed on file with the Clerk of this Council, are adopted and confirmed. Those special assessments are levied and assessed on the lots and lands provided for in the Resolution of Necessity and Determination to Proceed in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits, statutory limitations having been waived by the petitioning property owners. This Council finds and determines that the special assessments are in the same proportion to the estimated assessments as the actual cost of the Improvements is to the estimated cost of the Improvements as originally filed and upon which the estimated assessments were based.

SECTION 2. The special assessments shall be payable in cash prior to their certification to the County Auditor at the option of the owner, or 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 the SID, with such issuance 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. All cash payments shall be made to or at the direction of the Fiscal Officer of the Village. All special assessments remaining unpaid at the expiration of the cash payment period shall be certified by or at the direction of the Fiscal Officer of this Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION 3. The President of this Council or the Fiscal Officer shall have authority to sign such instruments or other documents as are necessary to effectuate the special assessments and to realize the intent of this ordinance.

SECTION 4. The Fiscal Officer shall deliver a certified copy of this ordinance to the County Auditor within 20 days after its adoption.

SECTION 5. 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 6. This ordinance 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 ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor.



Mayor – President of Council

ATTEST:



Fiscal Officer

I certify that Ordinance No. 2023-66 was duly enacted on the 23RD day of OCTOBER, 2023, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.

Danielle Romanowski
Fiscal Officer