

NOTICE OF ADOPTION

I, Teri Davis, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;
and
2. That on the 12th day of September, 2022,
Ordinance No. 18-22 was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. 18-22 was published in the
posting locations prescribed by the City of Centerville Council.



Clerk of Council

ORDINANCE NO. 18-22

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE 12th DAY OF September, 2022.

AN ORDINANCE APPROVING INDIVIDUAL ASSESSMENTS AMOUNTS AND DIRECTING THE DIRECTOR OF FINANCE OR HIS DESIGNEE TO CERTIFY THE AMOUNTS TO THE COUNTY AUDITOR FOR COLLECTION AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 6, Article XVIII of the Ohio Constitution the General Assembly has enacted general laws stating purposes for which municipalities may assess specially benefited property; and

WHEREAS, these laws include Ohio Revised Code (O.R.C.) sections 727.01, 727.011, 727.012, 727.013, 729.06, 729.11, 1710.01(h) and others, which authorize the City to levy and collect special assessments upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, for among other things, any part of the cost connected with the improvement of any street, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation; sidewalk construction; sewers; sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor; drains, storm-water retention basins, watercourses, water mains, or laying of water pipe; lighting; any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; and

WHEREAS, for certain approved assessments, the county auditor is to act at the direction, or on behalf, of a municipality with respect to collection of the assessments under O.R.C. 727.30 and O.R.C. 727.33; and

WHEREAS, the General Assembly has also enacted laws that require a county auditor to act at the direction, or on behalf, of a municipality with respect to collection of certain costs assessed to properties including but not limited to R.C 743.04, 715.261 and 731.51-54; and

WHEREAS, as a result of the foregoing, the City of Centerville has passed, and will in the future pass, laws to assess real property for all or part of the cost of a public improvement and/or certain permitted costs of abatement or collection, including but not limited to Municipal Code of the City of Centerville, Section 660.14 (Weeds and Grass); Municipal Code of the City of Centerville, Section 1060.09, (Garbage and Rubbish Charges); Municipal Code of the City of Centerville,

Section 1028.08, (Shrubbery or other Vegetation Cutting Costs); and such other ordinances or resolutions that may be passed from time to time pursuant to these codified laws; and

WHEREAS, in order to better track and account for authorized legal assessments and the amounts due to the City, Montgomery County has requested that assessments be individually set forth; and

WHEREAS, City Council has determined it is in the best interest of the citizens to pass this Ordinance setting forward the applicable properties and assessment amounts to be certified to the County for collection; and

WHEREAS, the assessments set forth in Exhibit "A" have been authorized by legislative action of the City Council of the City of Centerville and after providing legally required notice, are required by law to be assessed and collected by the County on behalf of the City.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. The properties set forth on the attached Exhibit "A", which is incorporated herein by this reference, are to be assessed in the amount also set forth on the applicable section of Exhibit "A" unless payment is made within the time frame set forth in the Assessment Payment Due Date set forth in Exhibit "A".

Section 2. In the event a payment for the amount or any portion of the amount set forth in Exhibit "A" is received by the City prior to the Assessment Payment Due Date set forth in Exhibit "A", which shall be included in the notice sent to such property owner, the Finance Director, or her designee is authorized to finalize such assessment through removal for full payment or revision (lowering) for partial payment from Exhibit "A" prior to certification to the County Auditor.


Section 3. The Director of Finance or his designee is instructed to certify this Ordinance, including the final assessed properties in Exhibit "A" to the County Auditor for collection and the County Auditor is to collect the total amount of assessments set forth in Exhibit "A", with the auditor's fee not included.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City, and for the further reasons that finalizing and


certifying assessment at the earliest time is necessary to timely establish a lien and protect the City's interest in payment of amounts owed to the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

PASSED THIS 12th day of September, 2022.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 18-22, passed by the Council of the City of Centerville, Ohio on the 12th day of September, 2022.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney

Exhibit "A"

<u>Parcel ID</u>	<u>Project Number</u>	<u>Project Desc</u>	<u>Address</u>	<u>Charge</u>	<u>Tax Year</u>
O68 00607 0063	31500	Mowing	Alexandersville Bellbrook Road	\$ 2,160.00	2022
O68 01607 0001	31500	Mowing	2100 Pelwood Drive	\$ 260.00	2022
O68 00107 0010	31500	Mowing	58 East Franklin Street	\$ 210.00	2022
O68 00137 0007	31500	Mowing	898 South Main Street	\$ 460.00	2022
O68 00203 0024	31500	Mowing	60 Westpark Road	\$ 220.00	2022
O68 01403 0015	31500	Mowing	7541 Pelway Drive	\$ 850.00	2022
O68 01609 0003	31500	Mowing	1125 Green Tree Drive	\$ 305.00	2022
O68 00153 0015	31500	Mowing	161 East Drive	\$ 250.00	2022
Total Mowing				\$ 4,715.00	