

## ORDINANCE NO. 2016-93

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF DEIDRICK ROAD, IRMA STREET AND CHELTON DRIVE BETWEEN CERTAIN TERMINI BY THE CONSTRUCTION OF STORM SEWERS, CATCH BASINS, ROADSIDE DITCHES/SWALE AND ROOF DRAIN PIPES (LATERALS), TOGETHER WITH THE NECESSARY APPURTENANCES THERETO AND RELATED RESTORATION, SEEDING AND MULCHING, AND REPLACEMENT OF DRIVEWAY APPROACHES, AND RELATED IMPROVEMENTS, INCLUDING A TRUNK SEWER OUTLET CONSTRUCTED IN THE CITY OF STOW ALONG WILDER ROAD TO FISH CREEK AND OTHERWISE IMPROVING THE SAME, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the improvement described in Section 2 has been completed and the final cost of that improvement has been determined;

**WHEREAS**, this Council has determined that the City should pay an amount as its portion of the cost of that improvement, as further described in Section 1;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least two-thirds (2/3) of all members elected thereto concurring:

**SECTION 1.** That, notwithstanding and as an exception to the City's Codified Ordinance Chapter 925, this Council has determined to pay as its portion of the cost of the improvement described in Section 2, in addition to the portion heretofore assumed by the City pursuant to Resolution No. 2013-88 adopted August 24, 2013, and related proceedings (collectively, the "Assessment Proceedings"), and thereby to reduce the aggregate amount of special assessments levied against property owners.

**SECTION 2.** That the Special Assessments which were filed and are on file with the Clerk of Council for the cost and expense of improving in the City Deidrick Road, Irma Street and Chelton Drive along the following termini by the construction of storm sewers, catch basins, roadside ditches/swale and roof drain pipes (laterals), together with the necessary appurtenances thereto and related restoration, seeding and mulching, and replacement of driveway approaches, as necessary, and related improvements, including a trunk sewer outlet to be constructed in the City of Stow along Wilder Road to Fish Creek (the Improvement):

Deidrick Road – From 130 feet south of Parmalee Street south to Munroe Falls Kent Road.

Irma Street – From 540 feet south of Parmalee Street to Chelton Drive.

Chelton Drive – beginning at its intersection with Deidrick Road, thence continuing northeast and terminating at its intersection with Irma Street.

Pursuant to Resolution No. 2013-88 amounting in the aggregate to \$130,791.84 which reflects the reduction described in Section 1, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 2013-88 in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation. (The Improvement includes no "special items," as defined in Chapter 925 of the City's Codified Ordinances)

**SECTION 3.** This Council finds and determines that the special assessments have been determined consistent with Resolution No. 2013-88 and the City's Codified Ordinance Chapter 925, except as provided in Section 1.

**SECTION 4.** That the special assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the passage of this ordinance, or at the option of the owner in forty (40) semi-annual installments with interest at the rate of 3.75% per year (20 years), which interest rate is determined by this Council to be substantially equivalent to the fair market rate that would have been borne by securities issued in anticipation of the collection of the special assessments if those securities had been issued by this City. All cash payments shall be made to the Director of Budget and Finance of this City. All special assessments remaining unpaid at the expiration of those thirty (30) days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

**SECTION 5.** The Clerk of Council (i) shall cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City and to be sent to property owners within ten (10) days of its passage in accordance with Section 925.03 of the City's Codified Ordinances and (ii) shall keep the special assessments on file in the office of the Clerk of Council.

**SECTION 6.** The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within twenty (20) days after its passage.

**SECTION 7.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all

deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 8.** That 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 residents of this City and for the further reason that the levy of the special assessments may be immediately effective so that advances made by this City in anticipation of that levy may be repaid from the collection of those assessments which assessments must be certified to the County Auditor by the date established by law and thereby preserve the credit of the City, for which reasons and other reasons manifest to this Council, this ordinance in hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: October 19, 2016  
Date

J. Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: October 19, 2016  
Date

ATTEST: Tara Grimm  
Tara Grimm, CMC  
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 2016.

(SEAL)

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TARA GRIMM, CMC  
CLERK OF COUNCIL