

Resolution No. 1301-2023

**By Council Members Polensek, Bishop,
Hairston and Griffin (by departmental
request)**

AN EMERGENCY RESOLUTION

Declaring it necessary to design, inspect, reconstruct, repair and/or install roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), storm sewer, storm sewer structures, and other necessary appurtenances encroaching upon the public right-of-way on Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeshore Boulevard).

WHEREAS, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That it is necessary and conducive to the public health and welfare that Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeshore Boulevard) be improved by design, inspection, reconstructing, repairing and/or installing of roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), storm sewer, storm sewer structures, and other necessary appurtenances encroaching upon the public right-of-way or otherwise improving the right-of-way in accordance with plans, specifications and profiles to make the roads in compliance with City of Cleveland construction standards and specifications which are incorporated by reference, at the estimated cost of \$891,252.20 prepared and placed in **File No. 1301-2023-A**, in the Office of the Clerk of Council. The grade of the street after the improvement has been completed shall be shown on the plans, specifications and profiles.

Section 2. That fifty percent (50%) of the cost and expense of the improvement shall be found to be a proper charge, shall be assessed on all lots and lands abutting on, and other specially benefited property adjacent to Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeshore Boulevard), by the foot front of the property bounding and abutting upon the improvement, and it is determined that the lots and lands are specially benefited by the improvements. The Director of Capital Projects has fixed twenty (20) years as the estimated life of the improvements.

Section 3. That the entire amounts to be levied shall be paid in ten (10) annual installments, with interest on deferred payments at the rate of 3.9% per annum provided, however, that the owner of any property assessed may, at his option, pay the

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principal amount of the assessment in cash in one annual installment within 30 days from and after the passage of the assessing ordinance. All cash payments remaining unpaid after 30 days shall be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

Section 4. That the remainder of the cost of the improvement not specially assessed, as provided, shall be paid by the City of Cleveland out of funds made available to it by other sources and appropriated for such purpose.

Section 5. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessments shall be based on the estimated cost of the improvement under the plans, specifications (including the specifications incorporated by reference under this Resolution) and profiles now on file in the Office of the Clerk of Council. The costs shall include the cost of plans, profiles and estimates and of printing, serving and publishing notices, resolutions, and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, costs incurred in connection with the preparation, levy and collection of the assessments, the cost of all labor and materials, and all other necessary expenditures. The estimated assessment shall be filed in the Office of the Clerk and kept available for public inspection. After filing the estimated assessments in the Office of Clerk of Council, the Commissioner of Assessments and Licenses is authorized and directed to cause notice of passage of this Resolution and of the filing of said estimated assessments to be served upon the owners of all lots and lands to be assessed in the manner provided by law.

Section 6. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

DDR:nl
11-13-2023
FOR: Director DeRosa

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[File No. 1301-2023-A]

**REPORT
after second Reading**

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READ FIRST TIME on NOVEMBER 13, 2023

REPORTS

**and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability,
Finance Diversity Equity and Inclusion**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

**PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

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COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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