

# Ordinance No. 1361-18

**Council Members Keane, Brancatelli and Kelley (by departmental request)**

## **AN EMERGENCY ORDINANCE**

Determining to proceed with the plan to provide public services within the Cleveland Kamm's Area Special Improvement District; adopting the assessments; levying the assessments; and authorizing the Director of City Planning and the Director of Finance to enter into an agreement with the Cleveland Kamm's Area Special Improvement District Corporation.

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WHEREAS, under Resolution No. 808-18, adopted July 18, 2018, this Council approved the continuation of the Cleveland Kamm's Area Special Improvement District (the "District") as a Special Improvement District in the City; accepted petitions from owners of property in the District; approved a new plan for public services; declared it necessary to provide safety, cleaning, and other services for the District; and provided for the assessment of the cost of such work upon benefited property in the District; and

WHEREAS, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of Council as File No. 808-18-A; and

WHEREAS, notice of the adoption of the resolution and of the filing of the estimated assessments was duly served on all property owners to be assessed in the manner provided by law; and

WHEREAS, no written objections to the estimated assessments were received; and

WHEREAS, since no written objections were received, no assessment equalization board was appointed; and

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

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

Section 1. That it is determined to proceed to provide for the plan for public services benefitting the District (collectively, "District Services"), as approved in Resolution No. 808-18 (the "Resolution of Necessity").

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Section 2. That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and assessments approved and filed in the office of the Clerk of Council.

Section 3. That judicial inquiry into all claims for damages resulting from the District Services filed under law shall occur after completion of the District Services.

Section 4. That the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 5. That the final assessments for the cost of the District Services, placed in the file mentioned above and aggregating \$150,000 are adopted and confirmed as final assessments.

Section 6. That the final assessments shall be assessed and levied on the lots and lands benefited and to be charged therewith in the District in proportion to the benefits as described in the Resolution of Necessity.

Section 7. That it is determined that the assessments do not exceed the special benefits resulting from the District Services, and do not exceed any statutory limitation.

Section 8. That the Clerk of Council is directed to continue to file in her office a list of the assessments and the description of the lots and lands.

Section 9. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City on or before January 15, 2019. All first year assessments which have not been paid, as well as the subsequent annual installments, shall be certified by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed on the tax duplicate and collected the same as other taxes, as provided by law.

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Section 10. That the Clerk of Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance, or as otherwise required by Section 319.61 of the Revised Code.

Section 11. That the Clerk of Council is directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this ordinance, or as otherwise required by Section 319.61 of the Revised Code.

Section 12. That the Clerk of Council is directed to cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City.

Section 13. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were conducted in meetings open to the public, in compliance with all legal requirements.

Section 14. That the Director of City Planning and the Director of Finance are authorized to enter into a contract with the Cleveland Kamm’s Area Special Improvement District Corporation setting forth the terms under which the City will levy an assessment for the District and the use of the proceeds of the assessments levied herein.

Section 15. That this ordinance 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 passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MC:nl  
11-12-18

FOR: Director Collier

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**READ FIRST TIME on NOVEMBER 12, 2018**

**and referred to DIRECTORS of City Planning Commission, Finance, Law;  
COMMITTEES on Development Planning and Sustainability, Finance**

## REPORTS

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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Published in the City Record

**REPORT**  
**after second Reading**

**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE