



ORDINANCE 2022-25

AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, PROVIDING A REVISED ASSESSMENT SCHEDULE, AND DECLARING AN EMERGENCY

WHEREAS, the owner of properties (the "Petitioners") known as the Verona subdivision located on the north side of Powell Road in the City of Powell have petitioned the City for the construction of certain public sewer main infrastructure on the north side of Powell Road (the "Project"); and

WHEREAS, in the petition of August 2016, the Petitioners waived various procedural steps in order to expedite construction of the Project and thereby permit placement of assessments on the current tax duplicate; and

WHEREAS, the City entered into the Sewer Assessment and Financing Agreement on November 18, 2016 with Verona LLC providing for the construction of the certain public infrastructure improvement constituting the Project and the financing of such public infrastructure improvement; and

WHEREAS, construction of the certain public infrastructure improvement constituting the Project have been substantially completed in accordance with the Petition; and

WHEREAS, Council has been presented a certificate of final costs prepared by the City's Engineer indicating the final cost of the Project and showing the amount of the final assessments to be levied against the benefited properties; and

WHEREAS, pursuant to Ordinance 2016-36, Council previously determined that it was necessary to proceed with the construction of the Project as requested by the Petitioners, in accordance with plans, specifications, and estimates of cost (the "Plans") heretofore approved by the Engineer to the City, which Plans have been placed on file in the office of the City Clerk and are open for public inspection; and

WHEREAS, pursuant to Ordinance 2016-36, Ordinance 2017-41, Ordinance 2018-35, Ordinance 2019-32, and Ordinance 2021-25 (collectively, the "Prior Ordinances") and the Petition, the cost of the Project in the amount of \$1,208,793.63, shall be assessed, with interest at a rate of three percent (3%) per annum, on the properties as identified in the Petition; and

WHEREAS, in order to provide for sufficient payments of the cost of the Project and to conform the Prior Ordinances with the Sewer Assessment and Financing Agreement, the City has prepared a revised Assessment Schedule on the properties as identified in the Petition attached hereto and marked Exhibit A providing for the collection of special assessments over a period of seven (7) years in semiannual installments as real estate taxes are paid;

City Council
Daniel Swartwout, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Frank Bertone

Christina Drummond

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

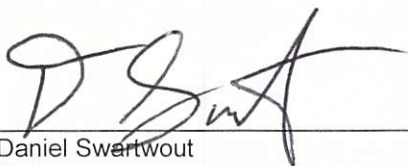
SECTION 1: Pursuant to the Petition, the cost of the Project, in the amount of \$1,208,793.63, shall be assessed, with interest at a rate of three percent (3%) per annum, in accordance with the Revised Assessment Schedule provided in Exhibit A. For each property, the special assessments shall be collected over a cumulative period of seven (7) years in semiannual installments as real estate taxes are paid.

SECTION 2: The assessments of the cost and expense of the Project, as set forth on Exhibit A, are hereby ADOPTED and CONFIRMED and there shall be levied and assessed upon the lots and lands therein identified, the several amounts reported, which assessments are in proportion to the special benefits conferred by the Project, are consistent with the Petition, and are not in excess of any statutory limitation.


SECTION 3: That it is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were taken in an open meeting of said Council, and that all deliberations of this Council that resulted in such formal action were made in meetings open to the public, when required by law, in full compliance with all legal requirements, including without limitation, provisions of the Charter of the City of Powell and Section 121.22 of the Ohio Revised Code.

SECTION 4: The City Clerk is hereby directed to deliver a certified copy of this Ordinance to the County Auditor prior to September 12, 2022, being the second Monday in September.

SECTION 5: Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be effective this Ordinance must be effective and certified to the County Auditor by the second Monday in September in order for the assessments to be placed on the tax duplicate for the current year; wherefore, this Ordinance shall take effect and be in force from and after its passage.

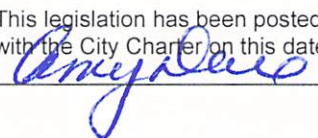

Daniel Swartwout
Mayor

9-6-22
Date


Amy Deere
City Clerk

9-6-22
Date

EFFECTIVE DATE: October 4, 2022

This legislation has been posted in accordance with the City Charter on this date 9-7-22

City Clerk