



Introduced: 7/15/2019

Revised:

Adopted:

Effective:

## CITY OF PATASKALA

### RESOLUTION 2019-057

#### **A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALK IMPROVEMENTS AND TO LEVY AND COLLECT SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS UPON ADJACENT LOTS LOCATED ON THE EAST SIDE OF OAK MEADOW DRIVE**

**WHEREAS**, Council for the City of Pataskala has heretofore studied the need to construct new and additional sidewalks and pedestrian improvements (the “Improvements”) to service presently unserved areas in the City of Pataskala that are in the process of current or planned development, and to ensure that sidewalks throughout the City become interconnected; and

**WHEREAS**, a need for these Improvements has been identified in the area located generally along the east side of Oak Meadow Drive fronting residential properties; and

**WHEREAS**, pursuant to R.C. § 727.01, the City has special power to levy and collect special assessments upon the adjacent lots or lands located in the City, covering any part of the cost connected with the improvement of any street by constructing sidewalks; and

**WHEREAS**, although no formal petition requesting these Improvements was submitted by owners of the front footage of property abutting the east side of Oak Meadow Drive, several owners and other residents have appeared at recent Council meetings stating the need for said Improvements and the desire to finance them through special assessments; and

**WHEREAS**, this Council, with and upon recommendation of staff, has reviewed and hereby approves the plans and specifications required to proceed with the Improvements, which will serve the residences located along the east side of Oak Meadow Drive; and

**WHEREAS**, as required by R.C. § 727.12, the plans, specifications and profiles of the proposed Improvements and an estimate of the cost of the Improvements have been previously prepared and filed with the Clerk of Council, and shall remain open to the inspection of all persons interested; and

**WHEREAS**, Council is electing to assess the costs of the Improvements by the foot front of each property bounding and abutting upon the Improvements; and

**WHEREAS**, the City shall be reimbursed for the costs of the Improvements through special assessments to the property tax bills of the adjacent, abutting lots over a period of five (5) years; and

**WHEREAS**, pursuant to R.C. § 727.12, Council may now declare the necessity for such Improvements before proceeding with the proposed Improvements.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, THREE-FOURTHS (3/4) OF ITS MEMBERS PRESENT CONCURRING THAT:**

Section 1: Council for the City of Pataskala hereby declares it necessary for the preservation and promotion of the public health and welfare to construct public Improvements, in the form of new sidewalks located along the east side of Oak Meadow Drive, to be paid for in whole by special assessments levied against the adjacent lots pursuant to Chapter 727 of the Ohio Revised Code.

Section 2: Council for the City of Pataskala hereby approves the plans, specifications, profiles, and estimate of costs of the proposed public Improvements that have been previously prepared and filed with the Clerk of Council and shall remain open for public inspection during regular business hours, as provided by R.C. § 727.12. These plans are also more fully identified and described in the attached Exhibit A, which is incorporated herein by reference.

Section 3: All costs of the proposed public Improvements shall be paid for by special assessments.

Section 4: The addresses, lots, or parcels of property to be assessed for these Improvements along Oak Meadow Drive, together with estimated assessment costs against each lot or parcel, are more fully identified and described in the attached Exhibit B, which is incorporated herein by reference. Such estimated assessments against each parcel of property shall be filed with the Clerk of Council and shall remain open for public inspection during regular business hours, as provided by R.C. § 727.12.

Section 5: The method of levying the special assessments for the proposed public Improvements shall be by the foot front of each property bounding and abutting upon the Improvements, as more particularly described and calculated in Exhibit B.

Section 6: The special assessments to be levied will be payable via property tax bills of those adjacent lots described in Exhibit B, annually for a period of five (5) years, beginning with the next property tax bill immediately following construction of the Improvements.

Section 7: Pursuant to R.C. § 727.13, notice of the passage of this Resolution of Necessity and the filing of the estimated assessments pursuant to R.C. § 727.12 shall be served by the Clerk of Council, or a person designated by the Clerk, upon the owners of the lots or parcels of land to be assessed for the Improvements, by certified mail addressed to such owner at his/her last known address or to the address to which tax bills are sent. The notice shall also set forth the place where such estimated assessments are on file and are open for public inspection.

Section 8: The owner of any lot or parcel of land who objects to the amount or apportionment of, or the assessment against such lot or parcel as set forth in the estimated assessment, shall file such objection, in writing, with the Clerk of Council within two weeks from the date of completion of the notice required herein. Such objection shall include the address for mailing of the notice provided in R.C. § 727.16.

Section 9: An owner who fails to so file an objection as set forth in Section 8 above shall be deemed to have waived any objection.

Section 10: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 11: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:

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Kathy M. Hoskinson, Clerk of Council

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Michael W. Compton, Mayor

APPROVED AS TO FORM:

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Brian M. Zets, Law Director