



Introduced: 5/18/2020
Revised:
Adopted:
Effective:

CITY OF PATASKALA

ORDINANCE 2020-4366

AN ORDINANCE TO PROCEED WITH CONSTRUCTING PROPOSED SIDEWALK IMPROVEMENTS UPON ADJACENT LOTS LOCATED ON THE EAST SIDE OF OAK MEADOW DRIVE AND DECLARING AN EMERGENCY

WHEREAS, with Resolution 2019-057, adopted on July 15, 2019, Council for the City of Pataskala declared the necessity of constructing sidewalk improvements (the “Improvements”) and to levy and collect special assessments for the construction of the Improvements upon adjacent lots located on the east side of Oak Meadow Drive; and

WHEREAS, following adoption of Resolution 2019-057, and in accordance with R.C. 727.13, notice of the Resolution and the filing of the estimated assessment was served on all owners of the lots or parcels of land to be assessed for the Improvements; and

WHEREAS, pursuant to R.C. 727.15, one (1) written objection to the estimated assessment was timely filed by a property owner to be assessed for the proposed Improvements; and

WHEREAS, pursuant to R.C. 727.16 and R.C. 727.17, Council for the City of Pataskala appointed a Sidewalk Assessment Equalization Board (the “Board”) to hear and determine all objections to the estimated assessment, and to equalize such estimated assessments as it thought proper conforming to the standards prescribed in Resolution 2019-057; and

WHEREAS, on May 6, 2020, the Board met to hear and review the objection to the estimated assessment for the Improvements; and

WHEREAS, on May 13, 2020, the Board finalized its report to Council whereby it recommend upholding the estimated assessment as originally proposed in Resolution 2019-057; and

WHEREAS, pursuant to R.C. 727.17, Council for the City of Pataskala now wants to approve the Board’s recommendation that no changes should be made to the estimated assessment proposed in Resolution 2019-057; and

WHEREAS, pursuant to R.C. 727.18 and R.C. 727.19, no claims for damages were filed by any property owner to be assessed for the Improvements; and

WHEREAS, pursuant to R.C. 727.23, now that the time for filing damage claims has passed, and no objections to the estimated assessments were made, Council for the City of Pataskala will proceed with the Improvements to be constructed on the east side of Oak Meadow Drive.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: Council for the City of Pataskala hereby approves the Sidewalk Assessment Equalization Board's recommendation that no changes should be made to the estimated assessment proposed in Resolution 2019-057.

Section 2: Council for the City of Pataskala hereby declares its intention to proceed with the proposed sidewalk improvement upon adjacent lots located on the east side of Oak Meadow Drive, in accordance with the provisions of Resolution 2019-057, adopted on July 15, 2019.

Section 3: Council for the City of Pataskala hereby adopts the estimated assessment as recommended by the Sidewalk Assessment Equalization Board, upholding the estimated assessment prepared and filed in accordance with Resolution 2019-057. However, the City of Pataskala will not charge a property owner any assessment for the linear feet of sidewalk that does not need installed on any property because a concrete apron already exists in the location where the Improvement would have otherwise been installed.

Section 4: Council for the City of Pataskala hereby declares that, because no claims for damages were timely filed in accordance with R.C. 727.18, there is no need to judicially inquire into any claims for damages before commencing or after completing the Improvement.

Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 6: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that Council needs to take this next step in the sidewalk assessment process as soon as possible in order to timely complete the road project and the Improvement and make this assessment. Wherefore, provided this Ordinance receives the required affirmative votes of Council, it shall take effect and be in full force immediately upon passage by Council.

ATTEST:

Kathy M. Hoskinson, Clerk of Council

Michael W. Compton, Mayor

APPROVED AS TO FORM:

Brian M. Zets, Law Director