

CITY OF BAY VILLAGE

NOTICE OF MEETING

PUBLIC IMPROVEMENTS STREETS/SEWERS/DRAINAGE COMMITTEE

Tom Henderson, Chair

Paul Vincent

Dwight Clark

Thursday, July 7, 2016

7:00 a.m.

Conference Room
Bay Village City Hall

Agenda

Sunset



Bay Village City Council Public Improvements Committee

Discussion Document for July 7, 2016

This document contains preliminary data, draft analyses and other information for review by the Public Improvements Committee; it contains no decisions, recommendations or approvals.

Goals

- Understand the **technical** nature of the engineering changes
- Understand the **financial** impact of the engineering changes
- Discuss **legal** developments regarding right of way/easement
- Attempt to develop a **committee-level consensus** regarding:
 - Sunset project's total scope and cost
 - Sunset-area residents' assessments

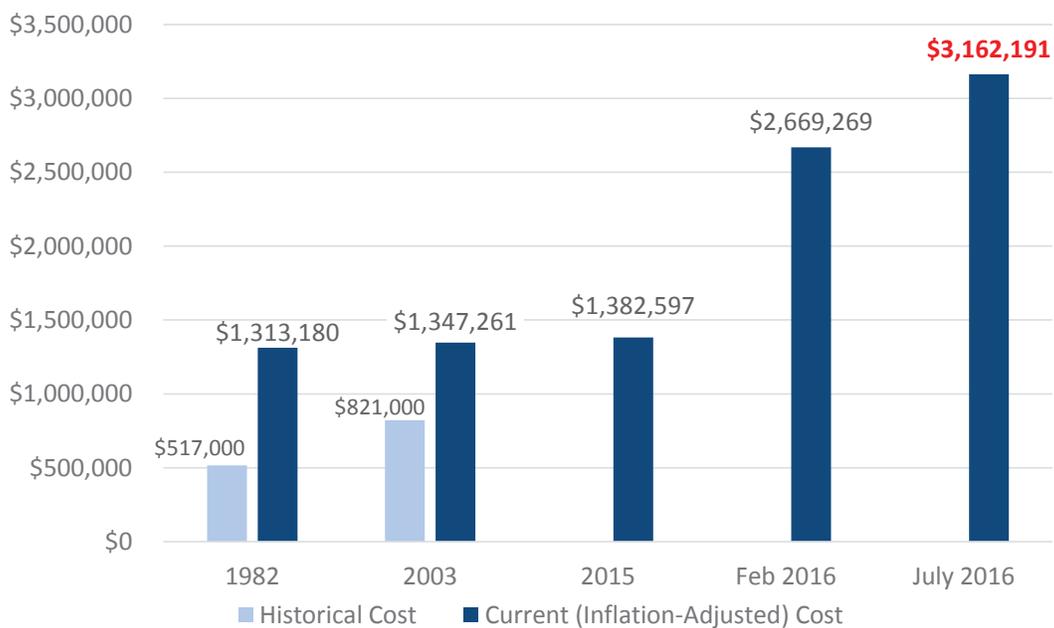
Previous Committee Meeting on May 3, 2016

- For context, recall that two projects were discussed in the prior committee meeting:
 - Bruce/Russell/Douglas (BRD) – awaiting insights from Lakewood's "Clean Water Project"
 - Sunset – the focus of today's meeting
- Costs for each project were discussed:
 - BRD costs ranged from \$806,000 to \$4,654,000, depending on the solution/option
 - Sunset costs were estimated at **\$2,669,269** (various assessment options were discussed)
 - Under the most-expensive options, a total of \$7.3 million of expenditures were considered:

	BRD	Sunset	Both Projects
Scenario	Option 2 with 100-Year Event Storm Sewer; City bearing 90% of cost of private property corrections	Replacement of road, storm, sanitary and water with assessments based on "Cahoon 1986" benchmark	
City's Portion	\$4,629,000	\$2,231,487	\$6,860,487
Assessed Portion	\$25,000	\$437,782	\$462,782
Total Cost	\$4,654,000	\$2,669,269	\$7,323,269

Historical and Current Sunset Project Cost Estimates

- On an inflation-adjusted basis, the cost of the Sunset project involving roadway and storm has not changed materially since 1982 (approximately \$1.3 to \$1.4 million in 2016 dollars)
- Addition of sanitary sewers and water mains in February 2016 plan increased the cost by 93%
- Refinements since February increased the cost by another \$492,922, or 18%, to \$3,162,191

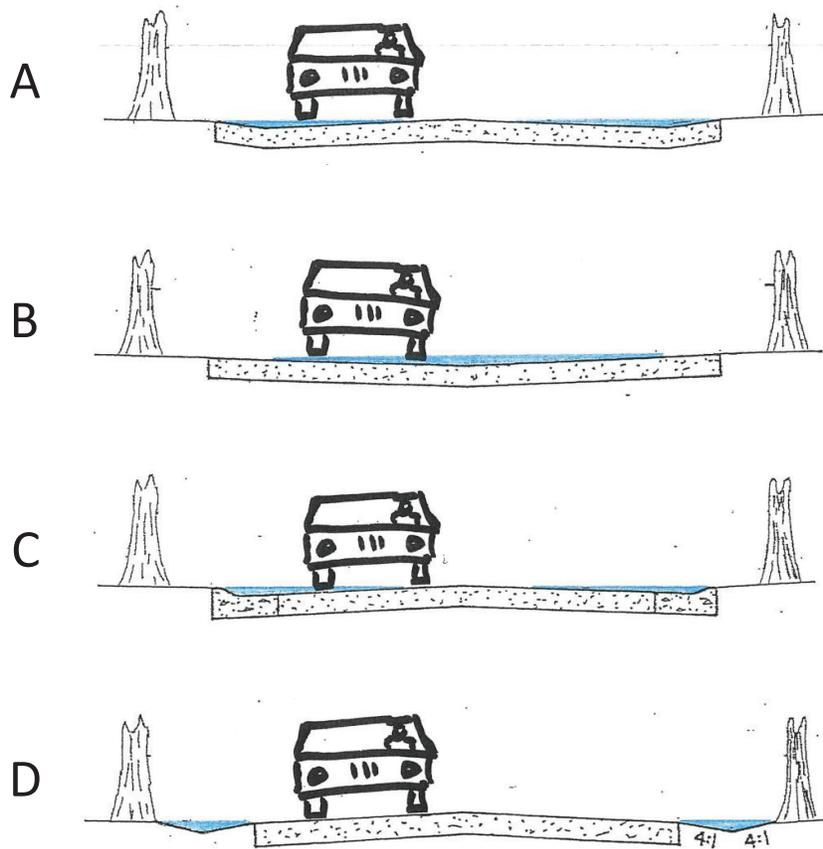


"Uses of Funds" Estimates – February 2016 vs. July 2016

- The \$492,922 increase in estimated cost is comprised of increases in costs for roadway, storm and water, partially offset by decreases in costs for sanitary and miscellaneous expenses:

	Feb. 2016 Estimate	July 2016 Estimate	\$ Change	% Change
Roadway	\$521,777	\$755,172	\$233,395	45%
Storm	\$446,515	\$733,116	\$286,601	64%
Sanitary	\$430,165	\$273,045	(\$157,120)	- 37%
Water	\$309,730	\$405,828	\$96,098	31%
Miscellaneous	\$216,732	\$147,000	(\$69,732)	- 32%
Contingency	\$192,492	\$200,000	\$7,508	4%
Subtotal: Construction	\$2,117,411	\$2,514,161	\$396,750	19%
Engineering, Inspection, etc.	\$551,859	\$648,030	\$96,171	17%
Total	\$2,669,269	\$3,162,191	\$492,922	18%

Engineering Update (Service Department and CT Consultants)



Right of Way and Easement Update (Law Department)



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"Sources of Funds" – February 2016 (recap from prior meeting)

- The February 2016 proposal required Sunset-area residents to pay for 100% of the assessable portion of the cost (i.e., the portion related to road and storm) (i.e., 44% of the total project)
- The \$1,184,563 of total assessments to Sunset-area would have resulted in an average (mean) assessment per parcel of \$24,675 and a maximum assessment per parcel of \$63,217

	Paid by City	Assessed	Total
Local share	\$27,652	-	\$27,652
Intersections	\$211,751	-	\$211,751
Excess of property valuations	\$239,046	-	\$239,046
Sanitary Construction	\$430,165	-	\$430,165
Water Construction	\$309,730	-	\$309,730
Engineering, etc. for sanitary and water	\$266,363	-	\$266,363
Road and Storm – City Contribution	N/A	N/A	N/A
Road and Storm – Assessed to Residents	-	\$1,184,563	\$1,184,563
Total	\$1,484,706	\$1,184,563	\$2,669,269
Percent of Total \$2,669,269	56%	44%	
Percent of Road and Storm \$1,184,563*		100%*	

* In this Feb 2016 scenario, the City would pay for the portions of the project it was required to cover; Sunset Area residents would be assessed 100% of the assessable portion of the project. This document contains preliminary data, draft analyses and other information for review by the Public Improvements Committee; it contains no decisions, recommendations or approvals.

"Sources of Funds" – May 2016 (recap from prior meeting)

- During the May 2016 meeting, a scenario was considered where the average assessment was constrained to a level that was "not unprecedented" based on the "Cahoon 1986" benchmark
- To obtain an average assessment per parcel of \$9,120, the assessment to Sunset residents could not exceed \$437,782, so a "City Contribution" of \$692,642 would have been required

	Paid by City	Assessed	Total
Local share	\$19,407	-	\$19,407
Intersections	\$408,812	-	\$408,812
Excess of property valuations	\$104,368	-	\$104,368
Sanitary Construction	\$430,165	-	\$430,165
Water Construction	\$309,730	-	\$309,730
Engineering, etc. for sanitary and water	\$266,363	-	\$266,363
Road and Storm – City Contribution	\$692,642	-	\$692,642
Road and Storm – Assessed to Residents	-	\$437,782	\$437,782
Total	\$2,231,487	\$437,782	\$2,669,269
Percent of Total \$2,669,269	84%	16%	
Percent of Road and Storm \$1,130,424*		39%*	

* The \$692,642 "Road and Storm – City Contribution" plus the \$437,782 "Road and Storm – Assessed to Residents" in this scenario totals \$1,130,424. Note: \$437,782 / \$1,130,424 = 39%.
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"Sources of Funds" – July 2016 (new information)

- Between May and July, the cost estimate increased \$492,922 from \$2,669,269 to \$3,162,191
- To maintain the average assessment per parcel as the "Cahoon 1986" benchmark (\$9,120), the "City Contribution" would need to increase by \$1,010,463 from \$692,642 to \$1,703,015

	Paid by City	Assessed	Total
Local share	\$47,515	-	\$47,515
Intersections	\$83,028	-	\$83,028
Excess of property valuations	\$104,362	-	\$104,362
Sanitary Construction	\$273,045	-	\$273,045
Water Construction	\$405,828	-	\$405,828
Engineering, etc. for sanitary and water	\$107,551	-	\$107,551
Road and Storm – City Contribution	\$1,703,105	-	\$1,703,105
Road and Storm – Assessed to Residents	-	\$437,756	\$437,756
Total	\$2,724,434	\$437,756	\$3,162,191
Percent of Total \$3,162,191	86%	14%	
Percent of Road and Storm \$2,140,861*		20%*	

* The \$1,703,105 "Road and Storm – City Contribution" plus the \$437,756 "Road and Storm – Assessed to Residents" in this scenario totals \$2,140,861. Note: \$437,756 / \$2,140,861 = 20%. This document contains preliminary data, draft analyses and other information for review by the Public Improvements Committee; it contains no decisions, recommendations or approvals.

Proposed Timeline (May 2016 Meeting vs. July 2016 Meeting)

- The proposed timeline shifted out about six months since the prior committee meeting:

Item No.	Action	Time Frame	Date as of May 2016	Date as of July 2016	Notes
1	Authorization to prepare project plans, specifications, and cost estimates, together with route and termini descriptions for the project. Preparation of estimated assessment lists and assessment map.		Mar-2015	Mar-2015	
2	Source of funds developed and confirmed	Concurrent with Item 1	6/1/2016	11/1/2016	
3	Plans, specifications and estimates completed. Reviews and/or permits from regulatory agencies completed		6/1/2016	7/1/2016	
4	File above with clerk of the legislative authority.	1 day	6/1/2016	7/1/2016	
5	Estimated assessments developed based on funding, assessment method, assessment list, and statutory requirements.	Based on Council's schedule	8/3/2016	1/9/2017	<<<< The source of funds must be established by this date for the balance of the schedule to be valid.
6	Adoption of resolution of necessity (includes direction to clerk to serve notice based on the estimated assessments).	Based on Council's schedule	8/8/2016	1/23/2017	
7	Service of notice of estimated assessments.	Completion of service is 14 days following evidence of receipt of last notice served	8/29/2016	2/13/2017	
8	Filing of objections to assessments - amount and/or apportionment	Must be filed in writing within 2 weeks of the date of final service.	9/12/2016	2/27/2017	
9	If no objections are filed:	Prepare ordinance to proceed	9/19/2016	3/6/2017	
10	If objection(s) are filed: Council appoints an Assessment Equalization Board and sets date for hearing.	Notice must be given to objectors 5 days prior to hearing	9/30/2016	3/20/2017	
11	Hold meeting of Assessment Equalization Board to hear objections.	The Board may hear the objections and make a decision the same night or it may take a longer period of time. However, it must report its findings to Council	10/5/2016- 10/6/2016	3/27/2017 - 3/28/2017	
12	Assessment Equalization Board reports recommendations to City Council.		10/17/2016	4/10/2017	

Proposed Timeline (May 2016 Meeting vs. July 2016 Meeting)

- The proposed timeline shifted out about six months since the prior committee meeting:

Item No.	Action	Time Frame	Date as of May 2016	Date as of July 2016
13	City Council approves or disapproves report (727.17 RC)	If the Board's report is accepted, Council may proceed with the ordinance determining to proceed. If the Board's report is rejected, Council must appoint a new Board and set the date for another hearing.	10/17/2016	4/10/2017
14	City Council, if it approves report of Assessment Equalization Board, passes Ordinance to Proceed with Project (727.23).	Council Schedule	10/17/2016	4/10/2017
15	Clerk of Council files Ordinance to Proceed with County Auditor pursuant to R.C. 319.61 within 15 days of passage in order to preserve priority of lien of assessments.		10/13/2016	4/17/2017
16	Council passes resolution authorizing advertisement for bids.	Council Schedule	11/7/2016	4/24/2017
17	Receive construction bids.	Minimum of 4 weeks, more for complex projects	12/7/2016	5/29/2017
18	Bid accepted. If lowest and best bid for labor and materials exceeds the Engineer's estimate by 10% or more, Council holds hearing on whether to proceed (727.24).	Council schedule	12/12/2016	6/12/2017
19	Construction Agreement signed.	30-60 days depending on complexity of outside	1/12/2017	7/10/2017
20	Complete construction of Project, determine final cost of Project (including "soft" costs of legal services, engineering and construction period financing costs) and prepare final assessment list.	12-24 months depending on complexity of project	2017	2018
21	Passage of Assessing Ordinance levying assessments (727.25).	Council schedule	TBD	TBD
22	Publication of notice of passage of Assessing Ordinance (727.26).	1 day	TBD	TBD
23	Clerk of Council files Assessing Ordinance with County Auditor within 20 days of passage to create lien (319.61).	Within 20 days of passage to create lien (319.61).	TBD	TBD
24	Collect assessments paid in full during period specified in Assessing Ordinance	30 days	TBD	TBD
25	Determine amount of permanent financing after expiration of assessment payment period.	1 day	TBD	TBD
26	Clerk of Council, on or before the second Monday in September, certifies the special assessments, including portion representing interest due on the permanent financing during the 20-year period of the collection of the special assessments to the County Auditor (727.30).		TBD	TBD

Path Forward

This committee must attempt to develop a consensus regarding:

- Total scope and cost:
 - Cost was consistent on an inflation-adjusted basis across the 1982, 2003 & 2015 proposals when only roadway and storm were considered: \$1.3 - \$1.4 million in 2016 dollars
 - In February 2016, the total cost of the project nearly doubled when sanitary sewers and water mains were added to the project's scope: \$2.669 million
 - Recently, in July 2016, the cost of the project increased another 18% to \$3.162 million
 - Cost estimates often increase as design work advances and an engineer's estimate does not necessarily equate to a contractor's bid. Actual costs *will* vary from these estimates
 - What opportunities exist to manage cost? What are the implications of those actions?
- Assessments:
 - As cost rises, limiting the assessments for Sunset-area residents to the average assessment on a per-parcel basis equal to the "Cahoon 1986" benchmark becomes more difficult
 - Assessing just 20% of the potentially-assessable costs may jeopardize the delicate balance between affordability for Sunset-area residents and fairness to all other residents, but:
 - Assessing 20% of the assessable costs results in a mean assessment/parcel of \$9,120*
 - Assessing 100% of the assessable costs results in a mean assessment/parcel of \$44,601*

* The \$9,120 figure is equal to \$437,756 / 48 parcels. The \$44,601 figure is equal to \$2,140,861 / 48 parcels. See page 10 for the context regarding these figures.

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Bay Village City Council Public Improvements Committee

July 7, 2016 Appendix

Contents

- 1) Sunset Area Improvements Cost Estimates, 6/29/16 (CT Consultants)
- 2) Opinion of Probable Construction Cost Breakdown, 7/1/16 (CT Consultants)
- 3) Proposed Use of Funds, 7/3/16 (CT Consultants)
- 4) Proposed Source of Funds, 7/3/16 (CT Consultants)
- 5) Front Foot Assessment Calculation (capped at Cahoon 1986 level), 7/3/16 (CT Consultants)
- 6) Assessment Amounts based on Front Foot (capped at Cahoon 1986 level), 7/3/16 (CT Consultants)
- 7) Memorandum regarding Sunset-Project Assessments, 6/13,16 (Law Director Gary Ebert)



Computed By: JMB DATE: 06/29/16
 Checked By: RHG DATE: _____
 Page: _____ of _____
 Location: Sunset Area, Bay Village, OH
 Subject: Infrastructure and Roadway Improvements
 Job No: 14474

Bay Village, Sunset Area Improvements

	TOTALS	Units	Unit Price	Total Cost
BASE BID				
Mobilization	1	LS	\$100,000	\$100,000
Bonds & Insurance	1	LS	\$5,000	\$5,000
Construction Layout Stakes	1	LS	\$20,000	\$20,000
Pre-Construction Video Documentation	1	LS	\$2,000	\$2,000
Maintenance of Traffic	1	LS	\$20,000	\$20,000
Tree Removal - Over 12-inch diameter	28	EA	\$750	\$21,000
Storm Water Pollution Prevention Plan	1	LS	\$10,000	\$10,000
Allowance for Removing, Supporting, or Relocating Utility Poles	1	LS	\$50,000	\$50,000
Abandon Existing Sanitary Sewer	1	LS	\$1,000	\$1,000
Sanitary Sewer Removed	700	LF	\$15	\$10,500
Sanitary Manhole Removed	6	EA	\$500	\$3,000
Sanitary Manhole Adjusted to Grade	8	EA	\$650	\$5,200
Inlet Removed	6	EA	\$500	\$3,000
Water Main Abandoned	1	LS	\$5,000	\$5,000
Driveway/Sidewalk Removed	8,745	SF	\$1	\$8,745
Miscellaneous Site Items Removed	1	LS	\$6,500	\$6,500
Clearing and Grubbing	1	LS	\$3,000	\$3,000
Portland Cement Concrete Aprons Replacement	742	SY	\$85	\$63,070
Asphalt Apron Replacement	142	SY	\$80	\$11,360
Paver Drive Apron Replacement	71	SY	\$92	\$6,532
Concrete Curb (Flush)	965	LF	\$20	\$19,300
Bioretention Basin, Including Plantings	2	EA	\$6,310	\$12,620
Sanitary Sewer Cleaning	1,270	LF	\$2	\$2,540
Maintenance of Sanitary Flows	1	LS	\$2,000	\$2,000



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Bay Village, Sunset Area Improvements

	TOTALS	Units	Unit Price	Total Cost
Television Inspection of Sanitary Sewers	1,270	LF	\$2	\$1,905
Cured-in-Place Pipe – 8” Host Pipe	760	LF	\$50	\$38,000
Cured-in-Place Pipe – 12” Host Pipe	510	LF	\$55	\$28,050
CIPP – Connection Reinstatement	21	EA	\$300	\$6,300
Concrete Pavers (Permeable)	10,600	SF	\$15	\$159,000
Turf Reinforcement incl. Engineered Soil/Aggregate Base	2,600	LF	\$45	\$117,000
Sign, Flat Sheet, with Mounting Post (Traffic Sign and Sign Supports)	29	EA	\$200	\$5,800
Lawn Restoration	1	LS	\$4,000	\$4,000
Pervious Base, ODOT 703.01-1 Table, No. 2 Crushed Limestone	425	CY	\$85	\$36,151
Pervious Base, ODOT 703.01-1 Table, No. 57 (Crushed Limestone)	131	CY	\$42	\$5,496
Pervious Base, ODOT 703.01-1 Table, No. 8, (Bedding and Jointing Material with No. 8 Crushed Limestone)	82	CY	\$20	\$1,649
Excavation Including Embankment and Pavement Removal	2,525	CY	\$20	\$50,506
Aggregate Base for Undercut (8”), Including Removal of Unsuitable Material	631	CY	\$50	\$31,566
Cement Stabilized Subgrade, 12 inches deep	2,917	SY	\$6	\$17,500
Subgrade Compaction	5,833	SY	\$2	\$11,667
Pavement Replacement, Type B	28	SY	\$55	\$1,528
Portland Cement Concrete Sidewalk, 4” Thick	150	SF	\$6	\$900
Water Main C909, 8” Diameter	2,650	LF	\$110	\$291,500
Fire Hydrant Assembly, 6-Inch Including Valve And Valve Box	8	EA	\$4,500	\$36,000
Gate Valve, 8-Inch Diameter with Valve Box	8	EA	\$1,500	\$12,000
Connect To Existing Water Main – In-Line Connection	2	EA	\$3,500	\$7,000
Service Connections - Long	17	EA	\$1,500	\$25,500
CWD Misc. Fees	1	LS	\$7,500	\$7,500
Service Connections - Short	22	EA	\$900	\$19,800



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Bay Village, Sunset Area Improvements

	TOTALS	Units	Unit Price	Total Cost
Type "A" Sanitary Manhole, (10' - 15') Deep	9	EA	\$1,500	\$13,500
Sanitary Sewer, 8-inch, SDR 35 (10'-15' Deep)	1,110	LF	\$135	\$149,850
Connection to Existing Sanitary Manhole	1	EA	\$400	\$400
Short Sanitary Sewer Lateral Connections (6" PVC, SDR 35)	21	EA	\$400	\$8,400
Long Sanitary Sewer Lateral Connections (6" PVC, SDR 35)	3	EA	\$800	\$2,400
Storm Inlet, Type 1	12	EA	\$2,500	\$30,000
Storm Inlet, Type 2 (Offset)	18	EA	\$3,000	\$54,000
Storm Inlet, Type 3	3	EA	\$3,500	\$10,500
Storm Inlet, 2-2B	7	EA	\$2,500	\$17,500
Slotted Drain, As Per Plan	644	LF	\$150	\$96,600
Type "B" Storm Manhole, (10' - 15') Deep	5	EA	\$2,000	\$10,000
Storm Manhole Reconstruction	6	VLF	\$400	\$2,400
Storm Sewer, RCP, 12-inch (<5' Deep)	365	LF	\$75	\$27,375
Storm Sewer, RCP, 12-inch (5' - 10' Deep)	156	LF	\$80	\$12,480
Storm Sewer, RCP, 15-inch (<5' Deep)	85	LF	\$80	\$6,800
Storm Sewer, RCP, 18-inch (<5' Deep)	150	LF	\$100	\$15,000
Storm Sewer, RCP, 18-inch (5' - 10' Deep)	133	LF	\$105	\$13,965
Storm Sewer, RCP, 24-inch (<5' Deep)	365	LF	\$105	\$38,325
Storm Sewer, RCP, 24-inch (5' - 10' Deep)	250	LF	\$110	\$27,500
Storm Sewer, RCP, 30-inch (5' - 10' Deep)	717	LF	\$140	\$100,380
Storm Sewer, RCP, 30-inch (10' - 15' Deep)	115	LF	\$150	\$17,250
Subsurface Drains, 6-inch	3,050	LF	\$13	\$38,125
Contingency/Discretionary Allowance	1	LS	\$200,000	\$200,000
BASE BID - TOTAL				\$2,200,435



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Bay Village, Sunset Area Improvements

	TOTALS	Units	Unit Price	Total Cost
ALTERNATE No. 1				
Aggregate Base, Modified (4")	606	CY	\$45	\$27,288
Bituminous Prime Coat (@ 0.40 GAL/SY)	18,000	GAL	\$3	\$54,000
Bituminous Aggregate Base PG64-22 (6")	864	CY	\$150	\$129,630
Tack Coat for Intermediate Course @ 0.05 GAL/SY	2,250	GAL	\$3	\$6,750
Tack Coat for Surface Course @ 0.075 GAL/SY	3,375	GAL	\$3	\$10,125
Asphalt Concrete Surface Course, Type 1 (448) (1.25" THK)	174	CY	\$200	\$34,722
Asphalt Concrete Intermediate Course, Type 2 (448) (1.75" THK)	243	CY	\$187	\$45,451
Concrete Curb (Flush)	288	LF	\$20	\$5,760
ALTERNATE No. 1 - TOTAL				\$313,726
ALTERNATE No. 2				
Aggregate Base, Modified (6")	972	CY	\$45	\$43,750
Portland Cement Concrete Pavement	5,000	SY	\$50	\$250,000
ALTERNATE No. 2 - TOTAL				\$293,750
Base Bid + Alternate No. 1 Total				\$2,514,161
Base Bid + Alternate No. 2 Total				\$2,494,185

CT Consultants, Inc.



SUNSET AREA ROADWAY AND INFRASTRUCTURE IMPROVEMENTS
CITY OF BAY VILLAGE, OHIO

DATE: 7/1/16
PROJECT: 14474

OPINION OF PROBABLE CONSTRUCTION COST BREAKDOWN

ROADWAY SUBTOTAL	\$755,172
STORM SEWER SUBTOTAL	\$733,116
SANITARY SEWER SUBTOTAL	\$273,045
WATER MAIN SUBTOTAL	\$405,828
MISCELLANEOUS SUBTOTAL	\$147,000
CONTINGENCY SUBTOTAL	\$200,000
TOTAL	\$2,514,161

**Sunset Area Infrastructure Improvements
Proposed Use of Funds**

Roadway	\$755,172	
Storm Sewer Improvements (new sewers, inlets)	\$733,116	
Miscellaneous (Seeding, SWPP, Restoration, etc.)	\$147,000	
Sanitary Sewer Lining and New Construction	\$273,045	
Water Main Construction	\$405,828	
Contingency (8.64%)	\$200,000	
Subtotal Construction	\$2,514,161	
Planning/Surveying/Engineering		\$181,024
Bidding/Construction Admin & Inspection/Testing (10%)		\$251,416
Capitalized Interest (3.25%)		\$89,881
Legal/Permits/Advertising (5%)		\$125,708
Total Use of Funds		\$3,162,191

**Sunset Area Infrastructure Improvements
Proposed Source of Funds**

Property Owner Assessments		\$437,756
<u>City Obligation for Pavement, Drainage, Miscellaneous</u>		
Local Share (2%)	\$47,515	
Intersections	\$83,028	
Excess portion of property valuation	\$104,362	
City Obligation Subtotal	\$234,905	
Repair of Sanitary Sewers - City Funding	\$273,045	
Replacement of Water Mains - City Funding	\$405,828	
Engineering for Sanitary Sewers and Water Main	\$48,880	
Contingency for Sanitary Sewers and Water Lines	\$58,671	
Other City Obligation Subtotal	\$786,424	
City Contribution to Reduce Assessments to \$122.10/lf		\$1,703,105
Total City Obligation		\$1,021,329
Total Source of Funds		\$3,162,191

**City of Bay Village
Sunset Area Utility and Roadway Improvements**

Project Cost Calculation	
Opinion of Construction Cost	\$ 2,514,161
Surveying/Engineering/Bidding	\$ 181,024
Construction Inspection/Testing	\$ 251,416
Legal/Permits/Advertising	\$ 89,881
Capitalized Interest (3.25% of Loan Amount)	\$ 125,708
Total Project Cost	\$ 3,162,191

Frontage Assessment Calculation	
Total Project Cost	\$ 3,162,191
Less City Contribution (Water and Sanitary Sewer)	\$ 786,424
Less Local Share (2%)	\$ 47,515
Less Intersections	\$ 83,028
City contribution to reduce assessments	\$ 1,703,105
Adjust for 33% limitation on property valuation	\$ 104,362
Assessable Project Cost	\$ 437,756

Front Foot Assessment	
Assessable Frontage (private property)	4,440.0 lf
Assessable Frontage (private property and intersections)	5,120.0 lf
Front Foot Assessment (private property)	\$122.10 /lf

Summary - Source of Funds	
State Funding (OPWC Grant)	
Construction Financing through OPWC (0% Loan)	
City Portion	
Local Share (2%)	\$ 47,515
Intersections	\$ 83,028
Excess portion of property valuation	\$ 104,362
City contribution	\$ 2,489,529
Assessments	\$ 437,756
Total Source of Funds	\$ 3,162,191

} **\$2,724,434.43**

**City of Bay Village
Planning Level Assessment Amounts based on Front Foot**

House No	Last Name	First Name	Parcel Number	Frontage Based on Auditor's Legal Frontage	Frontage Based on Auditor's Effective Frontage	Assessible Frontage Used	Corner Lot Frontage Based on Auditor's Legal Frontage	Corner Lot Frontage Based on Auditor's Effective Frontage	Assessible Corner Lot Frontage Used	Total Assessible Frontage Used	Tentative Preliminary Frontage Assessment	Current Market Value	Maximum Assessment 33%	Preliminary Frontage Assessment	Maximum Assessment Exceeded?	Unassessed Amount to City Portion
Forestview Road																
328	Garity	Regis	204-14-034	75.32	75.32	75.32	100	100	100	100.32	\$ 12,249.07	\$ 138,200	\$ 45,606	\$ 12,249.07		
Kenmore Drive																
300	Stearns	Kim	204-09-029	120	166	120				120	\$ 14,652.00	\$ 576,600	\$ 190,278	\$ 14,652.00		
320	Barack	William and Susan	204-09-030	80	80	80				80	\$ 9,798.00	\$ 424,200	\$ 139,885	\$ 9,798.00		
320	Foster	Jeffrey and Erin	204-09-020	74.66	74.66	74.66	100	100	100	99.66	\$ 12,168.49	\$ 197,300	\$ 65,109	\$ 12,168.49		
332	Galang	Anthony and Dawn	204-09-031	75	75	75				75	\$ 9,157.50	\$ 494,000	\$ 163,020	\$ 9,157.50		
336	Wise	Richard and Mary	204-09-032	78	78	78				78	\$ 9,523.80	\$ 185,000	\$ 61,050	\$ 9,523.80		
341	Hartman	Barbara	204-09-018	74.66	74.66	74.66	100	100	100	99.66	\$ 12,168.49	\$ 154,900	\$ 51,117	\$ 12,168.49		
342	Voss	Jennifer and Elwin	204-09-010	105	105	105	157.42	157.42	157.42	144.36	\$ 17,625.75	\$ 239,800	\$ 79,134	\$ 17,625.75		
Lake Road																
24744	Zimmerman	Donald	204-14-012	111.86	111.86	111.86	302.26	302.26	302.26	167.43	\$ 22,884.59	\$ 399,300	\$ 131,769	\$ 22,884.59		
24800	Krepp	Kevin	204-14-011	59.59	59.59	59.59	145.87	145.87	145.87	96.06	\$ 11,728.62	\$ 216,600	\$ 71,478	\$ 11,728.62		
24928	Davis	Edward and Mary	204-14-005	50	50	50	150	150	150	87.50	\$ 10,683.75	\$ 141,800	\$ 46,794	\$ 10,683.75		
25008	Denk, Sr	Josef K. Trustee	204-14-004	51.65	51.65	51.65	150	150	150	89.15	\$ 10,885.22	\$ 122,600	\$ 40,458	\$ 10,885.22		
25098	DeRubba	Diane	204-09-011	51.65	51.65	51.65	150	150	150	89.15	\$ 10,885.22	\$ 171,800	\$ 56,694	\$ 10,885.22		
Lakeview Drive																
24805	Krebs	Martha	204-14-044	130.5	130.5	130.5	72.95	72.95	72.95	105.58	\$ 12,890.71	\$ 480,100	\$ 151,833	\$ 12,890.71		
24815	Prendergast	Michael	204-14-047	43.5	43.5	43.5				43.5	\$ 5,311.35	\$ 197,900	\$ 65,307	\$ 5,311.35		
24901	Brill	David	204-14-048	83.5	84	84				84	\$ 10,256.40	\$ 210,300	\$ 69,399	\$ 10,256.40		
24913	Deutschman	Daniel	204-14-050	71.6	71.6	71.6				71.6	\$ 8,742.36	\$ 480,000	\$ 158,400	\$ 8,742.36		
24915	Marconi	James, Trustee	204-14-052	48.4	48.4	48.4	115	115	115	77.15	\$ 9,420.02	\$ 512,300	\$ 169,059	\$ 9,420.02		
25001	O'Malley	Judith, Trustee	204-14-053	37.33	37.33	37.33	100	100	100	62.33	\$ 7,610.49	\$ 387,500	\$ 127,875	\$ 7,610.49		
25005	Marquardt	Thomas	204-14-054	37.3	37	37.3				37.3	\$ 4,554.33	\$ 217,800	\$ 71,874	\$ 4,554.33		
25011	Stewart	Dorothy	204-14-055	93.3	93	93.3				93.3	\$ 11,391.93	\$ 246,800	\$ 81,444	\$ 11,391.93		
25021	Donahoo	Delbert, Trustee	204-09-024	74	74	74				74	\$ 9,035.40	\$ 247,500	\$ 81,675	\$ 9,035.40		
25029	Viezer	Timothy and Joani	204-09-025	55	55	55				55	\$ 6,715.50	\$ 431,500	\$ 142,395	\$ 6,715.50		
25033	McNulty	Dennis and Jill	204-09-026	37	37	37				37	\$ 4,517.70	\$ 477,000	\$ 157,410	\$ 4,517.70		
25035	Busdiecker	Kevin	204-09-027	37.35	37.35	37.35	100	100	100	62.35	\$ 7,612.94	\$ 394,200	\$ 130,086	\$ 7,612.94		
	Bay Park Beach Co		204-09-028	-	-	850				850	\$ 103,785.00	\$ 2,300	\$ 759	\$ 759.00	Yes, cap at \$759	\$ 103,026.00
Rockledge Drive																
301	Cook	John and Pamela	204-14-058	110.9	111	111				111	\$ 13,553.10	\$ 1,007,700	\$ 332,541	\$ 13,553.10		
Sunset Drive																
24801	Arvidson	Cynthia	204-14-020	40	40	40	100	100	100	65	\$ 7,936.50	\$ 119,300	\$ 39,369	\$ 7,936.50		
24805	Berente	Katherine	204-14-021	40	40	40				40	\$ 4,884.00	\$ 136,700	\$ 45,111	\$ 4,884.00		
24810	Maurer	Sue and Jeff	204-14-040	40	40	40				40	\$ 4,884.00	\$ 215,400	\$ 71,082	\$ 4,884.00		
24811	Battisti	Linda	204-14-022	58	58	58				58	\$ 7,081.80	\$ 202,400	\$ 66,792	\$ 7,081.80		
24817	Bennett	Marilyn	204-14-023	62	62	62				62	\$ 7,570.20	\$ 180,800	\$ 59,664	\$ 7,570.20		
24911	Marconi	Robert and Lisa	204-14-024	80	80	80				80	\$ 9,768.00	\$ 304,700	\$ 100,551	\$ 9,768.00		
24919	Mengerink	Bill and Anne	204-14-026	80	80	80	100	100	100	105	\$ 12,820.50	\$ 285,100	\$ 94,083	\$ 12,820.50		
24920	Lorton	Stephen	204-14-035	120	120	120	85	85	85	115	\$ 14,041.50	\$ 209,500	\$ 69,135	\$ 14,041.50		
25001	Bagnall	Suzanne	204-14-028	37.33	37.33	37.33	100	100	100	62.33	\$ 7,610.49	\$ 232,800	\$ 76,824	\$ 7,610.49		
25007	Nelson	Sue	204-14-029	74.7	74	74.7				74.7	\$ 9,120.87	\$ 290,100	\$ 95,733	\$ 9,120.87		
25015	Haas	Beverly	204-14-031	61.4	61.4	61.4				61.4	\$ 7,496.94	\$ 169,300	\$ 55,869	\$ 7,496.94		
25016	Coury	David	204-14-033	92.7	92	92.7				92.7	\$ 11,318.67	\$ 121,000	\$ 39,930	\$ 11,318.67		
25021	Kellerman	Jeffrey and Kristin	204-09-015	50.6	50.6	50.6				50.6	\$ 6,178.26	\$ 400,000	\$ 132,000	\$ 6,178.26		
25024	Coury	David	204-09-023	74	74	74				74	\$ 9,035.40	\$ 285,300	\$ 94,149	\$ 9,035.40		
25025	Vickers	F. Thomas	204-09-016	74.6	37	74.6				74.6	\$ 9,108.66	\$ 277,900	\$ 91,707	\$ 9,108.66		
25028	Kask	Doris	204-09-022	56	56	56				56	\$ 6,837.60	\$ 189,500	\$ 62,535	\$ 6,837.60		
corner lot	Krebs	Martha	204-14-043	40	40	40	72.95	72.95	72.95	58.24	\$ 7,110.80	\$ 17,500	\$ 5,775	\$ 5,775.00	Yes, cap at 5,775	\$ 1,335.80
	Krebs	Martha	204-14-042	40	40	40				40	\$ 4,884.00	\$ 18,000	\$ 5,940	\$ 4,884.00		
	Krebs	Martha	204-14-041	40	40	40				40	\$ 4,884.00	\$ 18,100	\$ 5,973	\$ 4,884.00		
	Brill	David	204-13-039	40	40	40				40	\$ 4,884.00	\$ 26,500	\$ 8,745	\$ 4,884.00		
	Brill	David	204-14-038	40	40	40				40	\$ 4,884.00	\$ 26,700	\$ 8,811	\$ 4,884.00		
Totals				3108.4		3959	2201.45		2201.45	4439.95	\$ 542,117.90		\$ 4,112,328	\$ 437,756.10		\$ 104,361.80

Privileged & Confidential Attorney Work Product

M E M O R A N D U M

To: Tom Henderson
CC: Deborah Sutherland, Paul Koomar, Dwight Clark, Dave Tadych, Marty Mace, Paul Vincent, Karen Lieske, Scott Thomas and Renee Mahoney
From: Gary Ebert
Date: June 13, 2016
Re: Sunset Project-Assessments

I have attached a copy of Chapter 727 of the ORC which reflects the method of assessments in conjunction with public improvements. However, the City in the past has always used the front foot method since it is generally supportive of the assessment project and more defensible in a challenge.

Also attached is a copy of the “one property” which has been referred to as far as fronting the roadway on three sides.

Actually when the assessments are calculated, they are normally based on each individual parcel.

As you can see, on the attached parcel map the three parcels 44, 45 and 46 have been consolidated into one parcel with the address 24805 Lakeview. This property owner has 130.5’ linear feet frontage on Lakeview and 72.95’ linear feet of side yard in Rockledge.

The parcels behind 41, 42 and 43 are individual parcels which are owned by the same individual that owns 24805 Lakeview.

All three of these parcels are undeveloped and can only be assessed up to 33% of their appraised value.

Parcel 41 has 40’ linear feet of frontage on Sunset.

Parcel 42 has 40’ linear feet of frontage on Sunset.

Parcel 43 has 40’ linear feet of frontage on Sunset and 72.95’ linear feet of sideyard on Rockledge.

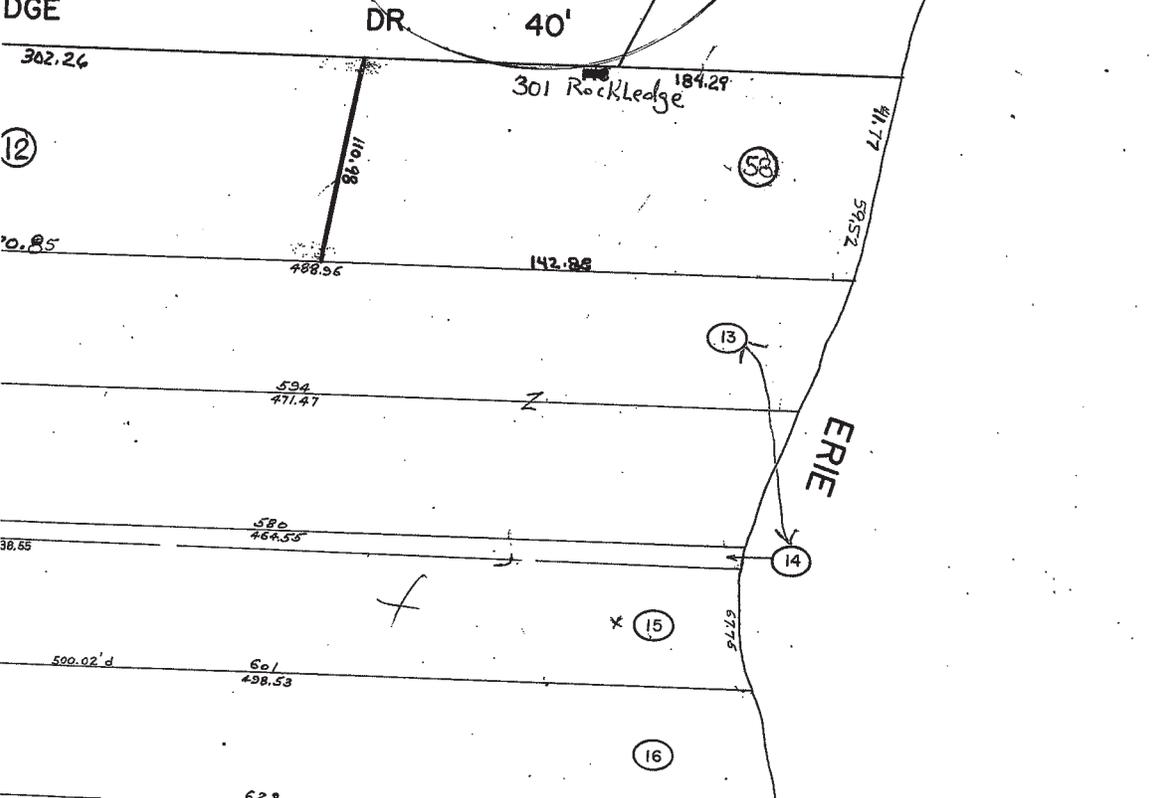
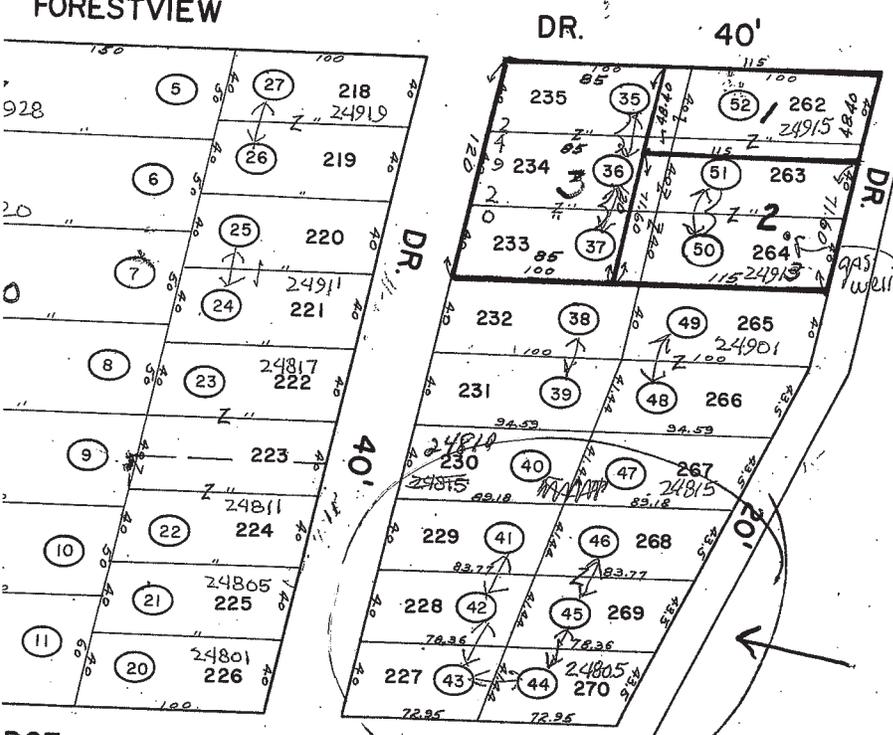
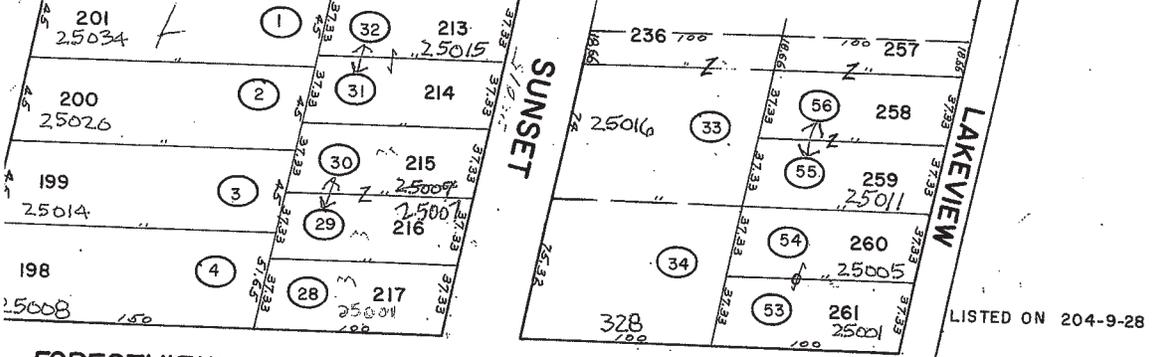
It is my understanding after my discussion with Bob Greytak that the County records reflect these lots for a value of \$18,000 each but have not verified same. Based on that value, the assessments for sublots 41, 42 and 43 would total approximately \$6,000 each, which would be minimal for the owner.

MAP 204

SCALE 60 FT=1-IN



RESUBD. OF HELEN HUNTINGTON SMITH V. 209 P. 51 3-20-72



Chapter 727: ASSESSMENTS - GENERALLY

727.01 Power to levy and collect special assessments - methods.

Each municipal corporation shall have special power to levy and collect special assessments. The legislative authority of a municipal corporation may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, any part of the cost connected with the improvement of any street, alley, dock, wharf, pier, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation available for the purpose of the improvement to be made in it by grading, draining, curbing, paving, repaving, repairing, treating the surface with substances designed to lay the dust on it or preserve it, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor, drains, storm-water retention basins, watercourses, water mains, or laying of water pipe, or the lighting, sprinkling, sweeping, or cleaning thereof, or removing snow therefrom, any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost of a voluntary action, as defined in section 3746.01 of the Revised Code, undertaken pursuant to Chapter 3746. of the Revised Code by a special improvement district created under Chapter 1710. of the Revised Code, including the cost of acquiring property with respect to which the voluntary action is undertaken; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; any part of the cost and expense of operating, maintaining, and replacing heating and cooling facilities for enclosed pedestrian canopies and malls; any part of the cost and expense of acquiring and improving parking facilities and structures for off-street parking of motor vehicles or of acquiring land and improving it by clearing, grading, draining, paving, lighting, erecting, constructing, and equipping for parking facilities and structures for off-street parking of motor vehicles, to the extent authorized by section 717.05 of the Revised Code, but only if no special assessment made for the purpose of developing off-street parking facilities and structures is levied against any land being used solely for off-street parking or against any land used solely for single or two-family dwellings; any part of the cost and expense of operating and maintaining the off-street parking facilities and structures; and any part of the cost connected with changing the channel of, or narrowing, widening, dredging, deepening, or improving, any stream or watercourse, and for constructing or improving any levees or boulevards on any stream or watercourse, or along or about any stream or watercourse, together with any retaining wall, riprap protection, bulkhead, culverts, approaches, flood gates, waterways, or drains incidental to any stream or watercourse, or for making any other improvement of any river or lake front, whether it is privately or publicly owned, which the legislative authority declares conducive to the public health, convenience, or welfare. In addition, a municipal corporation may levy a special assessment for public improvement or public services plans of a district formed under Chapter 1710. of the Revised Code, as provided in that chapter. Except as otherwise provided in Chapter 1710. of the Revised Code, special assessments may be levied by any of the following methods:

- (A) By a percentage of the tax value of the property assessed;
- (B) In proportion to the benefits that may result from the improvement;
- (C) By the front foot of the property bounding and abutting upon the improvement.

727.011 Control, planting, care, and maintenance of shade trees.

For the purpose of controlling the blight and disease of shade trees within public rights-of-way, and for planting, maintaining, trimming, and removing shade trees in and along the streets of a municipality, the legislative authority of such municipal corporation may establish one or more districts in the municipality designating the boundaries thereof, and may each year thereafter, by ordinance, designate the district in which such control, planting, care, and maintenance shall be effected, setting forth an estimate of the cost and providing for the levy of a special assessment upon all the real property in the district, in the amount and in the manner provided in section 727.01 of the Revised Code, for planting, maintaining, trimming, and removing shade trees. The ordinance shall be adopted as other ordinances and a succinct summary of the ordinance shall be published in the manner provided in section 731.21 of the Revised Code. Bonds and anticipatory notes may be issued in anticipation of the collection of such special assessments, under section 133.17 of the Revised Code.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 10-30-1989

727.012 Constructing, maintaining, repairing, cleaning, and enclosing of ditches.

For the purpose of constructing, maintaining, repairing, cleaning, and enclosing ditches, the legislative authority of such municipal corporation may establish one or more districts in the municipality designating the boundaries thereof, and may each year thereafter, by ordinance, designate the district in which such constructing, maintaining, repairing, cleaning, and enclosing of ditches shall be effected, setting forth an estimate of the cost and providing for the levying of a special assessment upon all the real property in the district, in the amount and in the manner provided in section 727.01 of the Revised Code, for constructing, maintaining, repairing, cleaning, and enclosing ditches. The ordinance shall be adopted as other ordinances and a succinct summary of the ordinance shall be published in the manner provided in section 731.21 of the Revised Code. Bonds and anticipatory notes may be issued in anticipation of the collection of such special assessments, under section 133.17 of the Revised Code.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 10-30-1989

727.013 Relocation of overhead cables, wires, and appurtenant equipment.

A municipal corporation may contract with any corporation, company, partnership, association, or person maintaining overhead cables, wires, and appurtenant equipment on a street of the municipal corporation for the relocation of such overhead cables, wires, and appurtenant equipment underground within the limits of the street. Such contract shall provide for the payment of the contract price by the municipal corporation in not less than five nor more than ten annual installments. Any part of the cost of relocating such overhead wires, cables, and appurtenant equipment to be paid by the municipal corporation pursuant to such contract, or the cost incurred by the municipal corporation in the relocation of its own overhead wires, cables, and appurtenant equipment within street limits, may be assessed upon the abutting, adjacent and contiguous or other specially benefited lots or lands in the municipal corporation in the manner provided in sections 727.01 to 727.49, inclusive, of the Revised Code. A proceeding for the relocation of overhead wires, cables, and appurtenant equipment

underground may be combined with a proceeding for the furnishing of new street lighting facilities or other street improvement.

A municipal corporation may, by ordinance, adopt and enforce regulations requiring owners of property abutting upon a street in which overhead wires, cables, and appurtenant equipment supplying a utility service have been relocated underground and service connections have been provided to the property line, to install underground wires, cables, or conduits from the property line to the buildings or other structures on such property to which such utility service is supplied.

Effective Date: 09-04-1970

727.02 Fixing value of lands not assessed for taxation.

In making a special assessment by percentage of the tax value or by the foot front on lots or lands not subdivided into lots, when such lots or lands are not assessed for taxation, the legislative authority of a municipal corporation shall fix, for the purpose of such assessment, the value of such lots as they stand and of such lands at what the legislative authority considers a fair average depth for lots in the neighborhood, so that it will be a fair average of the assessed value of other lots in the neighborhood. In making assessments either way on land not subdivided into lots but which is assessed for taxation, the legislative authority shall fix the value and depth in the same manner, but such rule shall not apply in making a special assessment according to benefits.

Effective Date: 10-01-1953

727.03 Limitation on special assessments.

The legislative authority of a municipal corporation shall limit all special assessments levied under sections 727.01 to 727.49, inclusive, of the Revised Code, to the special benefits conferred upon the property assessed. In no case shall there be levied, under sections 727.01 to 727.49, inclusive, of the Revised Code, upon a lot or parcel of land in the municipal corporation, any assessment for any purpose which, together with all assessments made for all other purposes within a period of five years preceding the passage of the assessing ordinance under section 727.25 of the Revised Code, would be in excess of thirty-three and one-third per cent of the actual value of such lot or parcel including improvements thereon, as enhanced by the improvement for which the assessment is levied, such value to be determined as of the date of the assessing ordinance passed under section 727.25 of the Revised Code, except as provided by section 727.06 of the Revised Code. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of the legislative authority, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that are provided with adequate drainage.

Effective Date: 10-08-1963

727.04 Assessments for repaving of streets.

When a special assessment is levied under sections 727.01 to 727.49, inclusive, of the Revised Code, by the legislative authority of a municipal corporation for the reimproving of any street within the municipal corporation by paving, for the original paving of which a special assessment has previously been levied by ordinance of the municipal corporation within the last twenty years, such assessments for repaving shall not exceed fifty per cent of the cost of such repaving.

Effective Date: 01-01-1962

727.05 Portion of improvement cost to be paid by municipal corporation.

The municipal corporation shall pay such part of the total cost of improvements for which special assessments are levied under sections 727.01 to 727.49, inclusive, of the Revised Code, as the legislative authority thereof deems just, which part shall not be less than one-fiftieth of the total cost of the improvement, and in addition thereto, the municipal corporation shall pay the cost of intersections, except as provided by section 727.06 of the Revised Code.

Effective Date: 01-01-1962

727.06 Petition by 60% of owners of front footage for improvement.

When a petition subscribed by the owners of sixty per cent of the front footage of property abutting upon a street, alley, public road, place, boulevard, parkway, park entrance, easement, or other public improvement in a municipal corporation, or the owners of seventy-five per cent of the area to be assessed for such improvement, requesting such improvement, is regularly presented to the legislative authority of the municipal corporation, the total cost of such improvement, including the cost of intersections, regardless of the limitations of sections 727.03 and 727.04 of the Revised Code, and without reference to the value of the lands of those who subscribe to such petition, may be assessed and collected in equal annual installments, proportioned to the whole assessment, in a manner which may be fixed by the legislative authority. When the lot or land of one who did not subscribe to the petition is assessed, such assessment shall not exceed the thirty-three and one-third per cent limitation prescribed by section 727.03 of the Revised Code.

Effective Date: 10-08-1963

727.07 Change in grade assessment.

When a street, alley, public highway, sidewalk, wharf, or landing within a municipal corporation is graded, or pavements are constructed in conformity to grades established by the authorities of the municipal corporation, and the expense of such work is assessed on the lots or lands benefited thereby, such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, sidewalk, street, alley, public highway, wharf, or landing unless a petition for the change is subscribed by a majority of such owners. The expense of improvements occasioned by such change of grade, not so petitioned for, shall be included as part of the cost of the improvement to be paid by the municipal corporation.

Effective Date: 01-01-1962

727.08 Determining total cost of public improvement.

The cost of any public improvement to be paid for directly or indirectly, in whole or in part, by funds derived from special assessments may include but not be limited to:

(A) The purchase price of real estate or any interest therein when acquired by purchase, or not more than fifty per cent of the cost of acquiring such real estate or any interest therein when acquired by appropriation;

(B) The cost of preliminary and other surveys;

(C) The cost of preparing plans, specifications, profiles, and estimates except, to the extent that costs of plans, specifications, and estimates of cost have been paid for by the levy of assessments under section 729.11 of the Revised Code, such costs shall not be included in determining the cost of the improvement under this section;

(D) The cost of printing, serving, and publishing notices and summaries of resolutions and ordinances;

(E) The cost of all special proceedings;

(F) The cost of labor and material, whether furnished by contract or otherwise;

(G) Interest on securities issued in anticipation of the levy and collection of the special assessments or, if securities in anticipation of the levy of the special assessments are not issued, interest, at a rate to be determined by the legislative authority in the resolution of necessity adopted pursuant to section 727.12 of the Revised Code, on moneys advanced by the municipal corporation for the cost of the public improvement in anticipation of the levy of the special assessments;

(H) The total amount of damages, resulting from the improvement, assessed in favor of any owner of lands affected by the improvement, and interest thereon;

(I) The cost incurred in connection with the preparation, levy, and collection of the special assessments, including legal expenses incurred by reason of the improvement;

(J) Incidental costs directly connected with the improvement.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 11-01-1991

727.09 Special assessment proceedings may include more than one improvement.

When it is determined by the legislative authority of a municipal corporation and is recited in the resolution of necessity adopted under section 727.12 of the Revised Code, that the streets, alleys, easements, or other public places, or parts thereof, to be improved by construction of sidewalks, curbs, gutters, sewers, drains, or water lines or by paving, lighting, relocating overhead wires, cables, and appurtenant equipment underground, or treating the surface with dust-laying or preservative substances, sprinkling, sweeping, or cleaning are so situated in relation to each other that in order to complete the improvement thereof in the most practical and economical manner they should be improved at the same time, with the same kind of materials, and in the same manner, then such streets, alleys, easements, or other public places, or parts thereof, may be treated as a single improvement, and one resolution, ordinance, or contract providing for such improvement may include one or more of such streets, alleys, easements, or other public places, or parts thereof, at the discretion of the legislative authority, whose determination in respect thereto shall be final.

Effective Date: 09-04-1970

727.10 Describing lots and lands to be charged.

In all proceedings in which lots or lands are to be charged with special assessments to pay any part of the cost of a public improvement, such lots and lands bounding and abutting upon the improvement may be described as all the lots and lands bounding and abutting upon such improvement between

and including the termini of the improvement and those lots and lands which do not so bound and abut may be described by their appropriate lot numbers or by metes and bounds.

Effective Date: 01-01-1962

727.11 Annual installment payment schedules.

Special assessments for any improvement under this chapter shall be payable in annual installments pursuant to one or more payment schedules authorized by the legislative authority in the resolution of necessity adopted pursuant to section 727.12 of the Revised Code. Except as otherwise provided in section 727.251 of the Revised Code, the number of annual installments of any assessment for street lighting purposes or to pay the costs of relocating overhead wires, cables, and appurtenant equipment underground shall not exceed thirty and the number of annual installments of all other assessments shall not exceed the maximum maturity for which securities could be issued in anticipation thereof under Chapter 133. of the Revised Code. If no period of maximum maturity is so specified, then the period for which such other assessments shall be levied, except as otherwise provided under section 727.251 of the Revised Code, shall not be less than one year, but may not exceed the estimated life of the usefulness of the improvement as certified by the fiscal officer of the municipal corporation.

Effective Date: 11-01-1991

727.111, 727.112 [Repealed].

Effective Date: 01-01-1962

727.12 Filing plans - resolution of necessity.

When it is deemed necessary by a municipal corporation to make a public improvement to be paid for in whole or in part by special assessments levied under this chapter, plans, specifications, profiles of the proposed improvement showing the proposed grade of the street and improvement after completion with reference to the property abutting thereon, and an estimate of the cost of the improvement shall be prepared and filed in the office of the clerk of the legislative authority of the municipal corporation and shall be open to the inspection of all persons interested. After such plans, specifications, profiles, and estimate of cost of the improvement have been filed as provided in this section, the legislative authority of the municipal corporation may declare the necessity for such improvement by the passage of a resolution.

Such resolution shall:

- (A) State the nature and location of the improvement and the lots or parcels of land to be assessed for the improvement;
- (B) Approve the plans, specifications, profiles, and estimate of cost of the proposed improvement on file as provided by this section;
- (C) State what part of the cost of the improvement is to be paid for by the municipal corporation and what part is to be paid for by special assessments;
- (D) State whether the method of levying the special assessments shall be:
 - (1) By a percentage of the tax value of the property assessed;

(2) In proportion to the benefits which may result from the improvement;

(3) By the foot front of the property bounding and abutting upon the improvement.

(E) State the mode of payment, the payment schedule or schedules according to which the special assessments to be levied will be payable, and, if more than one payment schedule is authorized, criteria for use of the different schedules. In no case shall the use of different payment schedules affect the amount of special assessment levied on any lot or parcel of land assessed.

(F) State whether the municipal corporation intends to issue securities in anticipation of the levy of the special assessments;

(G) State whether the municipal corporation intends to issue securities in anticipation of the collection of the special assessments;

(H) Provide for the preparation of an estimated assessment in accordance with the method of assessment set forth in the resolution, showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be filed in the office of the clerk of the legislative authority of the municipal corporation.

Such resolution may also provide for the assessment to be levied and collected before the improvement for which the assessment is levied is commenced.

The passage of such resolution shall require the concurrence of three-fourths of the members elected to the legislative authority unless petitioned for by the owners of a majority of the front footage or the area to be assessed, in which event the passage of such resolution shall require the concurrence of a majority of such members. Such resolution shall be published as other resolutions are published.

Effective Date: 11-01-1991

727.13 Notice of passage of resolution of necessity and filing of estimated assessment.

Notice of the passage of a resolution of necessity and the filing of the estimated assessment under section 727.12 of the Revised Code, shall, after the estimated assessment has been made and filed as provided by section 727.12 of the Revised Code, be served by the clerk of the legislative authority, or a person designated by such clerk, upon the owners of the lots or parcels of land to be assessed for the proposed improvement, in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the municipal corporation. The notice shall also set forth the place where such estimated assessments are on file and are open for public inspection. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him shall be prima facie evidence of the service of notice under this section.

Effective Date: 01-01-1962

727.14 Publishing notice of certain special assessments.

In lieu of the procedure provided in section 727.13 of the Revised Code, the legislative authority may provide for notice of the passage of a resolution of necessity providing for the lighting, sprinkling, sweeping, or cleaning of any street, alley, public road, or place, or parts thereof or for treating the surface of the same with dust-laying or preservative substances, or for the planting, maintaining, and removing of shade trees, or for the constructing, maintaining, repairing, cleaning, and enclosing of ditches, and the filing of the estimated assessment under section 727.12 of the Revised Code, to be given by publication of such notice once a week for two consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code. When it appears from the estimated assessment filed as provided by section 727.12 of the Revised Code, that the assessment against the owner of any lot or parcel of land will exceed two hundred fifty dollars, such owner shall be notified of the assessment in the manner provided in section 727.13 of the Revised Code.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 02-02-1982

727.15 Objection filed by owner.

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 filed under section 727.12 of the Revised Code, shall file such objection, in writing, with the clerk of the legislative authority within two weeks from the date of completion of the notice required under section 727.13 of the Revised Code. Such objection shall include the address for mailing of the notice provided in section 727.16 of the Revised Code. An owner who fails to so file an objection shall be deemed to have waived any objection.

Effective Date: 01-01-1962

727.16 Assessment equalization board.

In the event the owner of any lot or parcel of land to be assessed objects to the amount or apportionment of the estimated assessment or to the assessment against such lot or parcel, as provided in section 727.15 of the Revised Code, the legislative authority of the municipal corporation shall appoint an assessment equalization board, consisting of three disinterested freeholders of the municipal corporation, and shall fix the time and place for the hearing by such board of such objections, and the clerk of the legislative authority shall notify, by certified mail, the persons so objecting of the time and place of such hearing. Such notice shall be mailed at least five days before the date of such hearing. In the event that all lands within the municipal corporation are to be subject to assessment, the assessment equalization board shall consist of three disinterested freeholders from the county outside the municipal corporation.

Effective Date: 01-01-1962

727.17 Powers and duties of board.

On the day appointed by the legislative authority of the municipal corporation for that purpose, the assessment equalization board appointed under section 727.16 of the Revised Code, shall meet and take an oath before a proper officer to honestly and impartially discharge its duties. It shall at such meeting or at any adjournment thereof, hear and determine all objections to the estimated assessment

which have been filed under section 727.15 of the Revised Code, and shall equalize such estimated assessments as it thinks proper to conform to the standards prescribed in the resolution adopted under section 727.12 of the Revised Code.

If the board determines to increase the estimated assessment against any lot or parcel of land or to assess any lot or parcel of land not included in the estimated assessment and the owner of such lot or parcel of land has not filed an objection to the estimated assessment under section 727.15 of the Revised Code, the board shall notify such owner by certified mail of such fact and set a time and place for a hearing on such increase or assessment. Such notice shall be mailed at least five days before the date of such hearing.

After the completion of all hearings provided for by this section the board shall report to the legislative authority its recommendations including any changes which should be made in the estimated assessment.

The legislative authority may approve or disapprove the report including any changes recommended by the board in the estimated assessment.

In the event the legislative authority disapproves the report of the board it shall appoint a new equalization board and shall fix the time and place for the hearing by such board of objections to the estimated assessments. Such new board shall have the same powers and duties and shall proceed in the same manner as the original board.

Effective Date: 01-01-1962

727.171 Special assessment for off-street parking facilities.

The legislative authority of a municipal corporation may declare, by resolution, the necessity of levying and collecting special assessments for the purpose of paying the principal and interest, or part thereof, of bonds previously issued to pay the cost and expense of acquiring, constructing, and equipping off-street parking facilities, structures, or lands required therefor, which principal and interest was contemplated or required to be paid, under the provisions of an indenture given to secure the payment of such indebtedness at maturity, from the fees and charges for the use of such facilities and structures.

Such resolution shall:

(A) Describe each such off-street parking facility or structure, its location, and the lots or parcels of land to be assessed;

(B) State the principal amount of revenue bonds remaining unpaid, the amount and rate of interest, and the number of years over which the bonds to be paid by such assessments are to mature;

(C) State whether the method of levying such special assessments shall be:

(1) By a percentage of the tax value of the property assessed; or

(2) In proportion to the benefits which may result from the improvement;

(D) State the mode of payment and the number of annual installments of the special assessments to be levied;

(E) Provide for the preparation of a proposed assessment list in accordance with the method set forth in the resolution showing the amount of the assessment to be made against each lot or parcel of land to be assessed.

The total amount of special assessments made by the legislative authority of the municipality under this section shall not exceed the total sum required to meet the maturing principal and interest costs on all unpaid bonds originally secured, when issued, by the revenues accruing from the operation of off-street parking facilities or structures.

Such proposed assessments shall be filed in the office of the clerk of the legislative authority of the municipal corporation, and notice of the passage of such resolution and the filing of the proposed assessments shall be given to the owners of the lots or parcels of land against which the assessments are made, as provided by section 727.13 of the Revised Code. Objections to the proposed assessments may be made as provided in section 727.15 of the Revised Code, and such objections shall be heard and determined as provided in sections 727.16 and 727.17 of the Revised Code.

The legislative authority of the municipal corporation shall, after the expiration of the time for filing objections to the proposed assessments and following the hearing and determination on any such objections, determine, by an ordinance, to proceed with and adopt the proposed assessment list as prepared and filed pursuant to the resolution of necessity adopted hereunder, or as equalized and approved by the legislative authority under section 727.17 of the Revised Code, and shall assess, as provided in section 727.25 of the Revised Code, in the manner provided in such resolution of necessity, upon the lots and parcels of land enumerated in the proposed assessment adopted by said ordinance, the cost of the improvement to be paid for by such special assessment.

Such assessments shall be payable as provided in the resolution of necessity adopted hereunder and shall be final upon the adoption of the ordinance provided for in this section. No publication of the ordinance provided for in this section need be made under sections 731.21 and 731.22 of the Revised Code.

Assessments made under this section shall be filed with the clerk of the legislative authority and shall be open for public inspection. Notice of the passage of the ordinance provided for in this section, adopting the assessments, shall be given as provided in section 727.26 of the Revised Code. Such assessments shall be payable and shall be collected in the manner provided by sections 727.27 to 727.40, inclusive, of the Revised Code.

Such assessments, when collected, shall be paid into a separate fund in accordance with section 5705.10 of the Revised Code. As the principal and interest requirements on the bonds which have been contemplated or required to be paid from the income arising from the operation of off-street parking facilities or structures mature, moneys in such special fund, in an amount sufficient to meet such interest and principal requirements, may be transferred to the fund from which such principal and interest is to be paid. Any moneys remaining in such special fund, after all obligations have been paid, may be transferred by the legislative authority of the municipal corporation and used for off-street parking purposes.

Effective Date: 08-24-1967

727.18 Filing damage claims.

An owner of a lot or parcel of land, claiming that he will sustain damages by reason of a proposed public improvement, to be paid for in whole or in part by special assessments, shall, within two weeks from the date of completion of the notice required under section 727.13 of the Revised Code, file a claim in writing with the clerk of the legislative authority of the municipal corporation, setting forth the amount of the damages claimed and a general description of the property with respect to which it is claimed such damages will accrue. An owner who fails to file such claim, shall be deemed to have waived damages and shall be barred from filing a claim or receiving damages. This section applies to all damages which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from the acts of the municipal corporation or its agents. If, subsequent to the filing of such claim, the owner sells the property, or any part thereof, the assignee has the same right to damages which the owner would have had without the transfer.

Effective Date: 01-01-1962

727.19 Claims for damages.

When claims for damages are filed under section 727.18 of the Revised Code and the legislative authority of the municipal corporation determines in the ordinance adopted under section 727.23 of the Revised Code that the damages shall be assessed before commencing such improvement, the municipal corporation shall, within ten days after the passage of the ordinance to proceed with the improvement under section 727.23 of the Revised Code, make a written application for a jury to the court of common pleas, or a judge thereof in vacation, or to the probate court of the county in which the municipal corporation or the larger area of it is situated. The court shall direct the summoning of a jury in the manner provided by section 163.10 of the Revised Code, and shall fix the time and place for the inquiry and the assessment of such damages, which inquiry and assessments shall be confined to such claims.

Effective Date: 01-01-1966

727.20 Assessment of damages.

When claims for damages are filed in accordance with section 727.18 of the Revised Code and the legislative authority of the municipal corporation determines, in the ordinance adopted under section 727.23 of the Revised Code, that the damages shall be assessed after the completion of the improvement, the municipal corporation shall, within ten days after the completion of such improvement, make written application to the court of common pleas, or a judge thereof in vacation, or to the probate court of the county in which the municipal corporation or the larger area thereof is situated, to summon a jury in the manner provided by section 163.10 of the Revised Code, to assess the amount of damages in each particular case. Such court shall fix the time and place of inquiry and the assessment of damages, which inquiry and assessment shall be confined to such claims.

Effective Date: 01-01-1966

727.21 Jury procedure.

The jury summoned under section 727.19 or 727.20 of the Revised Code shall be sworn to inquire into and assess the actual damages in each case separately, under such rules and instructions as are given it by the court. When the jury cannot agree, it may be discharged, but the court may receive its verdict as to one or more of the claimants, and discharge it with respect to the parties concerning whose claims it cannot agree. In case of the discharge of the jury because of such disagreement, a

new jury shall be summoned, and the same proceedings shall be had with respect to the claims concerning which there was no verdict, as on the original trial.

Effective Date: 01-01-1962

727.22 Jury costs.

If the jury summoned under section 727.19 or 727.20 of the Revised Code finds no damages, the costs of the inquiry shall be taxed against the claimant or claimants and collected on execution. In other cases the costs shall be paid by the municipal corporation.

Effective Date: 01-01-1962

727.23 Ordinance for public improvement.

The legislative authority of a municipal corporation which has adopted a resolution under section 727.12 of the Revised Code declaring the necessity for a public improvement shall, after the expiration of the time for filing claims for damages under section 727.18 of the Revised Code, and, in the event objections to the estimated assessment have been filed under section 727.15 of the Revised Code, and the report of the assessment equalization board has been approved under section 727.17 of the Revised Code, determine whether or not it will proceed with the proposed improvement.

In the event the legislative authority determines to proceed with the improvement it shall pass an ordinance which shall:

(A) State the intention of the legislative authority to proceed with the improvement in accordance with the provisions of the resolution of necessity adopted under section 727.12 of the Revised Code;

(B) Adopt the estimated assessment prepared and filed in accordance with the resolution of necessity passed under section 727.12 of the Revised Code, or, in the event objections to such estimated assessment have been filed under section 727.15 of the Revised Code, adopt the estimated assessment approved by the legislative authority under section 727.17 of the Revised Code;

(C) State whether or not claims for damages filed in accordance with section 727.18 of the Revised Code shall be judicially inquired into before commencing or after completing the proposed improvement.

Effective Date: 01-01-1962

727.24 Low bid exceeds estimates.

After the passage of an ordinance under section 727.23 of the Revised Code, to proceed with a public improvement, the improvement may be constructed by force account, or a contract for the construction of the improvement shall be let in the manner provided by law, provided that in the event that the lowest and best bid for labor and materials for the public improvement exceeds the estimated cost for labor and materials as filed under section 727.12 of the Revised Code by fifteen per cent or more, then no contract shall be entered into until the legislative authority determines by a majority vote at a special meeting or its next regular meeting, after public hearing, that the improvement should be made. When the lowest and best bid will so exceed the estimated cost, the clerk of the legislative authority shall publish a notice once in a newspaper of general circulation in the municipal corporation specifying the time and place, not sooner than forty-eight hours following such notice, when owners of property to be assessed for the improvement shall be heard on the question of

whether such improvement should be made. In the event that such hearing is to be held at a special meeting, the clerk of the legislative authority shall serve notice on each member of the legislative authority of a special meeting to be held at the time and place set forth in the notice of the hearing and the purpose of the special meeting. Such notice shall be served in the manner provided for the service of notice of special meetings of legislative authority. At the meeting for such hearing, or any adjournment thereof, the legislative authority shall, by a majority vote, determine whether or not the public improvement should be made. If the legislative authority determines that the improvement should be made, the improvement may be constructed by force account or a contract may be let for the construction of such public improvement to the lowest and best bidder.

Notwithstanding the foregoing provisions of this section, in the event that the improvement is being undertaken by the municipal corporation in cooperation with the government of the United States or the state or any department or agency thereof, or any political subdivision of this state, or any one or more of them, and under the statutes or the cooperative contract authorizing such improvement the municipal corporation is required to pay its share of the estimated cost of the improvement to another party to such contract prior to the advertising for construction bids, the legislative authority of the municipal corporation may, by majority vote, determine to dispense with any notice, hearing, and determination that might otherwise be required by this section prior to the entry into a construction contract; provided that, if after the actual cost of such improvement has been ascertained, the cost to the municipal corporation for labor and materials exceeds the estimated cost therefor as filed under section 727.12 of the Revised Code by fifteen per cent or more, then the assessments levied under section 727.25 of the Revised Code shall not exceed in the aggregate the estimated assessment adopted under section 727.23 of the Revised Code unless the legislative authority, by majority vote, determines that this shall be done after notice and hearing in the manner provided in this section.

No subsequent change in the cost of the improvement shall affect the validity of the assessment proceedings taken under Chapter 727. of the Revised Code if the applicable provisions of this section have been complied with.

Effective Date: 10-08-1963

727.25 Procedure for ordinance of assessment.

After the actual cost of a public improvement authorized under section 727.23 of the Revised Code has been ascertained, the legislative authority of the municipal corporation shall by ordinance assess, in the manner provided in the resolution of necessity adopted under section 727.12 of the Revised Code, upon the lots and lands enumerated in the estimated assessment adopted under section 727.23 of the Revised Code, that portion of the total cost of the improvement to be paid for by special assessments and such assessments as to each lot or parcel of land, shall be increased or decreased in the same proportion to the estimated assessment on each such lot or parcel of land as the actual cost of the improvement bears to the estimated cost of the improvement upon which the estimated assessment was based. Such assessments shall be payable as provided in the resolution of necessity adopted under section 727.12 of the Revised Code, and shall be final upon the adoption of the ordinance provided for in this section, unless the ordinance and resolution are amended pursuant to section 727.251 of the Revised Code. No publication of the ordinance provided for in this section need be made under the provisions of sections 731.21 and 731.22 of the Revised Code.

Assessments made under this section shall be filed with the clerk of the legislative authority and shall be open to public inspection.

Effective Date: 03-15-1982

727.251 Applying for deferment of payment.

Within fifteen days after adoption of an ordinance of assessment pursuant to section 727.25 of the Revised Code, an owner of property against which assessments are levied or are to be levied pursuant to this chapter may apply to the legislative authority of the municipal corporation for a deferment of payment of the assessment on grounds that timely payment will impose financial hardship upon him. The legislative authority shall examine the applicant's financial condition only to the extent necessary to determine whether or not timely payment of the assessment will cause such hardship. If the legislative authority determines that timely payment will cause such hardship, it may by majority vote amend the resolution of necessity adopted pursuant to section 727.12 of the Revised Code and the assessing ordinance to provide for deferred payment of all or part of the amount of the assessment until the earliest of the following:

- (A) Such future date or dates as the legislative authority considers reasonable;
- (B) Such time as the property is sold or transferred by the applicant;
- (C) Such time as the property becomes subject to estate taxes under Chapter 5731. of the Revised Code.

Any charges, fees, or other costs incurred by the municipal corporation as a result of additional accounting requirements or borrowing made necessary by the deferment shall be added to the amount of the assessment and collected in the same manner as the assessment. The amount of any assessment deferred under this section shall be a lien upon the property until full payment is received by the municipal corporation.

Effective Date: 03-15-1982

727.26 Notice of passage of ordinance.

Upon the passage of an ordinance under section 727.25 of the Revised Code levying a special assessment, the legislative authority of the municipal corporation shall publish notice of the passage of such ordinance once in a newspaper of general circulation in the municipal corporation, stating that such assessment has been made and is on file in the office of the clerk of the legislative authority for the inspection and examination of persons interested therein.

Effective Date: 01-01-1962

727.27 Payment schedule.

Special assessments are payable by the time and in the manner stipulated in the assessing ordinance passed under section 727.25 of the Revised Code, except that any such assessment in the amount of twenty-five dollars or less, or any unpaid balance of any such assessment which is twenty-five dollars or less, shall be paid in full, and not in installments, at the time the first or next installment would otherwise become due and payable, and are a lien from the date of the passage of such ordinance upon the respective lots or parcels of land assessed.

Effective Date: 08-31-1967

727.28 Interest rate on securities issued in anticipation of collection of special assessments.

(A) When securities are issued in anticipation of the collection of special assessments, the interest on the securities shall be treated as part of the cost of the improvement for which the special assessments are made. The unpaid special assessments anticipated by issuance of securities shall bear interest at the same rate or rates of interest and for the same period as the securities issued in anticipation of the special assessments.

(B) When securities are not issued in anticipation of the collection of the special assessments, the legislative authority of the municipal corporation may provide in the assessing ordinance passed pursuant to section 727.25 of the Revised Code for interest on unpaid special assessments which shall be treated as part of the cost of the improvement for which the special assessments are made. The unpaid special assessments shall bear the rate or rates of interest determined by the legislative authority in the assessing ordinance, which rate or rates shall be determined by the legislative authority to be substantially equivalent to the fair market rate or rates that would have been borne by securities issued in anticipation of the collection of the special assessments if such securities had been issued by the municipal corporation.

(C) When the contribution of a municipal corporation, under an agreement pursuant to section 6121.13 of the Revised Code, between the municipal corporation and the Ohio water development authority, for the construction of an improvement for which the municipal corporation can levy assessments as provided in this chapter and sections 6117.41 to 6117.45 of the Revised Code, is to be made over a period of time from the proceeds of the collection of an assessment, the interest accrued and to accrue before the first installment of such assessment is collected, that is payable by such municipal corporation on such contribution under such agreement, shall be treated as part of the cost of the improvement for which such assessment is made, and that portion of such assessments as is collected in installments shall bear interest at the same rate that the municipal corporation is obligated to pay on its contribution under such agreement and for the same period of time as the contribution is to be made under such agreement. If the assessment or any installment thereof is not paid when due, it shall bear interest until the payment thereof at the same rate as such contribution or as the securities issued in anticipation thereof, and the county auditor shall annually place upon the tax list and duplicate the penalty and interest as provided in this chapter.

Effective Date: 11-01-1991

727.29 Apportioning assessment between life tenant and owner.

When a special assessment is made on real estate subject to a life estate, the assessment shall be payable by the tenant for life, but upon application by the life tenant to a court of competent jurisdiction, by action against the owner of the estate in fee, such court may apportion the cost of the assessment between the life tenant and the owner in fee in proportion to the relative value of the improvement to their estates, respectively, to be ascertained and determined by the court on principles of equity.

Effective Date: 01-01-1962

727.30 Duties of officers in implementing special assessments.

When any special assessment is levied under section 727.25 of the Revised Code, and securities of the municipal corporation are issued in anticipation of the collection thereof, the clerk of the legislative authority, on or before the second Monday in September of each year, shall certify the special assessment to the county auditor, stating the amounts and the time of payment. The auditor shall place the special assessments upon the tax list. If section 727.301 of the Revised Code applies, the county auditor shall certify the special assessment, and the time it is payable, to the treasurer of the municipal corporation.

Except as provided in section 727.301 of the Revised Code, the county treasurer shall collect the special assessments in the same manner and at the time as other taxes are collected, and shall pay the amounts collected, together with any interest and penalty, to the treasurer of the municipal corporation, to be applied by him to the payment of securities issued in anticipation of the collection of the special assessments and interest thereon, and for no other purpose.

For the purpose of enforcing the collection, the county treasurer has the same power and authority as allowed by law for the collection of state and county taxes. Each installment of the special assessments remaining unpaid after becoming due and collectible is delinquent and shall bear the same penalty as delinquent real property taxes. The city director of law or the authorized legal representative of the municipal corporation may act as attorney for the county treasurer in actions brought for the enforcement of the lien of the delinquent special assessments.

No interest or penalty shall be added to a special assessment unless at least thirty days have intervened between the date of passage of the assessing ordinance and the time the special assessment is certified to the county auditor for collection.

Effective Date: 11-01-1991

727.301 Collecting assessments by municipal treasurer.

When securities are issued in anticipation of the collection of a special assessment, the legislative authority of a municipal corporation, in the assessing ordinance, may provide that the treasurer of the municipal corporation shall collect the special assessments in place of the county treasurer and apply the amounts collected, together with any interest and penalty thereon, to payment of the securities and interest thereon, and for no other purpose.

For the purpose of enforcing the collection, the treasurer of the municipal corporation has the same power and authority as allowed by law to the county treasurer for the collection of state and county taxes. Each installment of the special assessments remaining unpaid after becoming due and collectible is delinquent and shall bear the same penalty as delinquent real property taxes. The city director of law or the authorized legal representative of the municipal corporation shall act as attorney for the treasurer of the municipal corporation in actions brought for enforcement of the lien of the delinquent special assessments.

No interest or penalty shall be added to a special assessment unless at least thirty days have intervened between the date of passage of the assessing ordinance and the time the special assessment is certified to the county auditor for collection.

Effective Date: 11-01-1991

727.31 Proceedings to recover special assessment.

If the payment of a special assessment, which has not been certified to the county auditor for collection, is not made by the time stipulated in the ordinance providing therefor, the amount assessed, with interest, and a forfeiture of ten per cent thereon, may be recovered by suit before a county court, municipal court, or other court of competent jurisdiction, in the name of the municipal corporation, to enforce the lien against the lots and lands charged with such assessment.

Proceedings for the recovery of the assessment may be instituted by the municipal corporation to enforce the lien, against all the lots or lands, or any of them embraced in any one assessment, but the judgment or decree shall be rendered severally or separately for the amount assessed. Any proceeding may be severed, in the discretion of the court, for the purpose of trial, review, or appeal when an appeal is allowed.

In proceedings to enforce the lien, when the owner of any lot or land assessed is a nonresident of this state, or is unknown, notice shall be given by publication in the manner prescribed by law in similar cases.

Effective Date: 01-01-1962

727.311 [Repealed].

Effective Date: 01-01-1962

727.32 Court to determine amount of recovery.

If in any action for the recovery of a special assessment, it appears that by reason of any technical irregularity or defect, whether in the proceedings of the legislative authority or of any officer of the municipal corporation, or in the plans or estimates, the assessment has not been properly made upon any lot or parcel of land sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred which is a proper charge against such lot or parcel of land in question, render judgment for the amount properly charged against it. The court shall make such order for the payment of the costs as is equitable and proper.

Effective Date: 01-01-1962

727.33 Collecting unpaid assessments.

When any special assessment, levied under section 727.25 of the Revised Code and in anticipation of which securities of the municipal corporation have not been issued, is unpaid, the legislative authority of the municipal corporation may order the clerk of the legislative authority or any other proper officer of the municipal corporation to certify the unpaid special assessment to the county auditor for collection. The county auditor shall place the unpaid special assessment upon the tax list. If section 727.331 of the Revised Code applies, the county auditor shall certify the unpaid special assessment to the treasurer of the municipal corporation.

Except as provided in section 727.331 of the Revised Code, the county treasurer shall collect the unpaid special assessment with and in the same manner as state and county taxes, and pay the amount collected to the treasurer of the municipal corporation.

No interest or amount to cover the cost of collection shall be added to the unpaid special assessment unless at least thirty days have intervened between the date of passage of the assessing ordinance and the time the unpaid special assessment is certified to the county auditor for collection.

Effective Date: 11-01-1991

727.331 Municipal treasurer to collect unpaid assessments.

The legislative authority of a municipal corporation, when securities are not issued in anticipation of the collection of a special assessment, may provide, in the assessing ordinance, that if a special assessment is unpaid, the treasurer of the municipal corporation shall collect the unpaid special assessment in place of the county treasurer. For purposes of enforcing the collection, the treasurer of the municipal corporation has the same power and authority as allowed by law to the county treasurer for the collection of state and county taxes. The city director of law or the authorized legal representative of the municipal corporation shall act as attorney for the treasurer of the municipal corporation in actions brought for enforcement of the lien of delinquent special assessments.

No interest or amount to cover the cost of collection shall be added to the unpaid special assessment unless at least thirty days have intervened between the date of passage of the assessing ordinance and the time the unpaid special assessment is certified to the treasurer of the municipal corporation for collection.

Effective Date: 11-01-1991

727.332 Municipal treasurer to deliver statement showing amount collected to auditor.

The treasurer of a municipal corporation collecting special assessments pursuant to section 727.301 or 727.331 of the Revised Code, within five business days after the collection, shall prepare a written statement showing the amount collected and deliver the statement to the county auditor. The county auditor, after endorsing the statement with the time of filing, shall remove the amount of the special assessment collected from the tax list.

Effective Date: 11-01-1991

727.34 Lien of assessment or installment.

The lien of an assessment or any installment thereof shall continue for two years from date of passage of the ordinance under section 727.25 of the Revised Code, and no longer, unless the municipal corporation, before the expiration of such time, causes it to be certified to the county auditor for entry upon the tax lists for collection under section 727.30 or 727.33 of the Revised Code, or causes the proper action to be commenced, in a court having jurisdiction thereof, to enforce the lien against such lots or lands, in which case the lien shall continue in force so long as the assessment or any installment thereof remains on the tax list uncollected, or so long as the action is pending, and any judgment obtained under and by virtue thereof remains in force and unsatisfied.

Effective Date: 11-01-1991

727.35 Statute of limitations for action for recovery.

If an action for the recovery of an assessment is commenced within due time, and a judgment therein for the plaintiff is reversed, or if the plaintiff fails in such action otherwise than upon the merits and the time limited for the action has expired, a new action may be commenced within one year after such reversal or failure.

Effective Date: 01-01-1962

727.36 Adding collection costs to assessment.

In placing any assessment on the tax list, the county auditor shall add to each assessment such per cent as he deems necessary to defray the expense of collecting it.

If the legislative authority of a municipal corporation provides that the treasurer of the municipal corporation shall collect an assessment, the legislative authority, in the assessing ordinance, shall add to the assessment an amount to cover the cost of its collection.

Effective Date: 11-01-1991

727.37 Court of common pleas jurisdiction.

The court of common pleas shall have the jurisdiction authorized by sections 727.01 to 727.49, inclusive, of the Revised Code, for the collection of any charge or debt or the enforcement of any lien, notwithstanding the amount involved is less than that to which the jurisdiction is limited in other cases. Such courts may make such special rules concerning the class of cases authorized to be brought under such sections as will tend to expedite the disposition and prevent unnecessary costs.

Effective Date: 01-01-1962

727.38 Additional assessment to supply deficiency.

If an assessment proves insufficient to pay the cost of a public improvement, the legislative authority of a municipal corporation may levy an additional assessment to supply the deficiency. Such additional assessment shall be levied against the same properties as were assessed for the cost of the improvement and shall be assessed among such properties in the same proportion as the assessment for the cost of the improvement was levied. Such additional assessment shall be subject to the same limitations as the assessment for the cost of the improvement. In case a larger amount is collected from an assessment than is necessary to pay the cost of the improvement or to retire the bonds or notes issued in anticipation thereof, the amount of such assessments collected in excess of that necessary to pay such costs or retire such bonds or notes shall be returned to the persons from whom it was collected in proportion to the amounts collected from each such person respectively.

Effective Date: 01-01-1962

727.39 Reassessment order.

When it appears to the legislative authority of a municipal corporation that a special assessment is invalid by reason of informality or irregularity in the proceedings, or when an assessment is adjudged to be illegal by a court of competent jurisdiction, the legislative authority may order a reassessment whether the improvement has been made or not.

Proceedings upon a reassessment, and for the collection thereof, shall be conducted in the same manner as is provided for the original assessment.

Effective Date: 01-01-1962

727.40 Rules of construction.

Proceedings with respect to public improvements to be paid for in whole or in part by special assessments shall be liberally construed by the legislative authorities of municipal corporations and by the courts in order to secure a speedy completion of the work at reasonable cost, and the speedy collection of the assessment after the time has elapsed for its payment. Merely formal objections shall be disregarded, but the proceedings shall be strictly construed in favor of the owner of the property assessed or injured as to the limitations on assessment of private property and compensation for damages sustained.

With respect to any assessment upon the abutting, adjacent, and contiguous, or other especially benefited lots or lands in a municipal corporation for any part of the cost connected with an improvement authorized by law, the passage by the legislative authority of an ordinance levying such assessment shall be construed a declaration by such legislative authority that the improvement for which it is levied is conducive to the public health, convenience, and welfare. No assessment shall be held invalid by any court because of the omission of the legislative authority to expressly declare in the proceedings and legislation for such improvement and assessment that the improvement is conducive to the public health, convenience, or welfare.

Effective Date: 01-01-1962

727.41 Cooperative agreements for street improvements.

Whenever the boundary line between two municipal corporations is located within or along the side lines of a street, avenue, or other public highway, such municipal corporations may enter into an agreement for the improvement of such street, avenue, or other public highway in such manner as the respective legislative authorities thereof determine. The agreement may provide for any of the improvements specified in section 727.01 of the Revised Code, and the cost thereof may be assessed upon the property specially benefited thereby, in the manner provided in such section, and to the same extent and subject to the same limitations as provided by sections 727.01 to 727.49 of the Revised Code. By the agreement, the cost of the entire improvement shall be apportioned between the two municipal corporations as their legislative authorities agree, and the legislative authority of each shall determine whether or not any portion of the cost to be paid by it shall be specially assessed or paid from other funds of the municipal corporation available for such purpose. Such agreement shall designate one of the municipal corporations to take exclusive charge of the details of construction of the improvement, including advertising for bids and awarding the contract. Such contract may be entered into by such municipal corporation when the necessary funds have been provided therefor, and when the amount to be paid by the other municipal corporation has been paid to the treasurer of the municipal corporation authorized to supervise such construction.

Bonds may be issued and sold in anticipation of the collection of the assessments by the municipal corporation levying the assessments, and bonds may likewise be issued and sold by either municipal corporation for the purpose of paying its share of such improvement under the conditions and limitations, and in the manner, provided by Chapter 133. of the Revised Code.

Effective Date: 10-30-1989

727.42 Apportioning costs among municipal corporations for park boulevard.

Whenever a park boulevard extends from a municipal corporation to which it belongs into or adjacent to one or more other municipal corporations, and it is desired by the several municipal corporations so situated to improve the boulevard by grading, draining, curbing, paving, repaving, surfacing,

resurfacing, or otherwise improving such boulevard, such municipal corporations may apportion the cost of the improvement among themselves in such manner as the legislative authorities thereof agree. The amount agreed to be borne by each municipal corporation may be defrayed out of its general fund, or by the issue of bonds.

Where such boulevard adjoins private property, abutting thereon and benefited thereby, such property may be assessed a portion of the cost of the improvement by the municipal corporation in which the property is situated, in the same manner, to the same extent, and subject to the same limitations as are provided by Chapter 727. of the Revised Code for the levying and collection of special assessments.

The amount agreed to be paid by the municipal corporations in which or adjacent to which such park boulevard is situated shall be paid to the treasurer of the municipal corporation owning such park boulevard. The contract for such improvement shall be let by and the work done under the supervision of the municipal corporation owning said park boulevard in the same manner provided for the letting and execution of contracts for the improvement of streets in such municipal corporation.

In the event that a part of the cost of such improvement is to be specially assessed upon the abutting property, the municipal corporation in which such property is situated may issue bonds in anticipation of the collection of such assessments, in the same manner in which bonds are authorized to be issued and sold in anticipation of the collection of special assessments for the improvement of streets and highways.

Effective Date: 01-01-1962

727.43 Damage claim limits.

No person who claims damages, arising without his fault from the acts of a municipal corporation or its agents in the construction of a public improvement, shall commence a suit therefor against a municipal corporation until he files a claim for such damages with the clerk of such municipal corporation, and sixty days elapse thereafter, to enable the municipal corporation to take such steps as it deems proper to settle or adjust the claim.

This section does not apply to an application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity.

Effective Date: 01-01-1962

727.44 Establishing sanitary sewerage, storm sewerage, and water supply districts.

In addition to the power conferred by other sections of the Revised Code, the legislative authority of a municipal corporation may by ordinance establish in the municipal corporation such number of districts as may be deemed necessary by it for the purpose of providing efficient sanitary sewerage, storm sewerage, or water supply. Each of such districts shall be designated by a name or number and shall be so arranged as to be independent of each other so far as practicable. The legislative authority shall cause the engineer of the municipal corporation or other person employed by it to devise and form a general plan for each district for storm sewerage, sanitary sewerage, or water supply as may be appropriate. Such plan shall be devised with regard to the present and prospective needs and interests of the municipal corporation and shall be reported to the legislative authority when completed. A plan for sanitary sewerage may include facilities and appurtenances necessary and proper for the collection, treatment, and disposal of sanitary sewage. A plan for storm sewerage may include facilities and

appurtenances necessary and proper for the collection retention, control, and disposal of storm sewage. A plan for a water system may include facilities and appurtenances necessary and proper for the supply, treatment, storage, and distribution of water.

Effective Date: 01-01-1962

727.45 Showing location of facilities.

The plan prepared under section 727.44 of the Revised Code shall show the location of all facilities included within the plan.

Effective Date: 01-01-1962

727.46 Filing plan for sanitary sewerage, storm sewerage, and water supply districts.

When a general plan has been prepared under section 727.44 of the Revised Code and reported to the legislative authority, it shall be filed with the clerk of the legislative authority and the legislative authority shall cause its clerk to publish, once a week for two consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, a notice stating that such general plan has been prepared and is on file in the office of the clerk of the legislative authority for examination by interested persons and that written objections to such plan may be filed in the office of such clerk before the date specified in the notice, which shall not be earlier than the seventeenth day following the date of the first publication in said newspaper. Any person having an objection to the general plan shall file such objection in writing, with the clerk of the legislative authority within the time specified.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 01-01-1962

727.47 Adopting plan for sanitary sewerage, storm sewerage, and water supply districts.

The legislative authority shall consider any objections filed under section 727.46 of the Revised Code, and after such consideration may adopt the general plan with any amendments or corrections thereto which it believes proper. The general plan with any amendments or corrections and certified by the clerk of the legislative authority as the plan adopted, shall then be filed in the office of such clerk.

Effective Date: 01-01-1962

727.48 Alteration of districts.

The legislative authority of a municipal corporation may, from time to time rearrange existing districts, establish new districts or subdistricts, or amend the general plan for the district as provided under sections 727.44 to 727.49, inclusive, of the Revised Code.

Effective Date: 01-01-1962

727.49 Constructing portion of plan.

After a general plan has been approved under section 727.47 of the Revised Code, the legislative authority of the municipal corporation shall designate, from time to time, such portion of the general plan as is required for immediate use and may provide for the construction thereof. In the event the cost of the construction of such portion of the plan as is designated for immediate use is to be paid for in whole or in part by special assessments the legislative authority may treat such construction as a single improvement in one resolution, ordinance, or contract and the provisions of sections 727.01 to 727.08, inclusive, and 727.10 to 727.43, inclusive, of the Revised Code shall apply to such construction and the levy and collection of the special assessments to pay the cost thereof.

Effective Date: 01-01-1962

727.50 to 727.64 [Repealed].

Effective Date: 01-01-1962

727.65, 727.66 [Repealed].

Effective Date: 10-01-1953

727.67, 727.68 [Repealed].

Effective Date: 01-01-1962