

Minutes of a Meeting of Public Improvements Committee
Held July 7, 2016
7:00 a.m.

Present: Tom Henderson, Paul Vincent, Dwight Clark

Also present: President of Council Koomar, Vice President of Council Clark, Councilman Mace, Councilman Tadych, Director of Public Safety/Service Thomas, Consulting Engineer Bob Greytak, Finance Director Mahoney, Law Director Ebert

Audience: Lynn Bennett, Ric Michaels, Kim Stearns, Jerry Dowling, Dorothy Stewart, Dennis McNulty, Mary and Rick Wise, Barbara Hartman, Don and Cindy Zimmerman, Tom Vickers, Kevin Busdiecker, Regis Garrity, Phillip Fitz

Chairman Henderson called the meeting to order at 7:00 a.m. The meeting this morning will focus on the Sunset Area Project. Mr. Henderson expressed appreciation for the work of Safety/Service Director Thomas and Consulting Engineer Greytak in getting all of the information ready for this meeting. All of the information provided to Mr. Henderson is now compiled in a document dated July 7, 2016, entitled "Bay Village City Council, Public Improvements Committee, July 7, 2016 **Appendix.**" A second document for the meeting is labeled "Bay Village City Council, Public Improvements Committee, **Discussion Document for July 7, 2016.**" The document was made available for those in attendance and is also available online on the City's website at the site of the agenda for this meeting. Documentation for the prior meeting on May 3, 2016 is also available on the City's website attached to the agenda for the meeting on May 3, 2016.

Mr. Henderson began by reiterating some of the goals for the meeting today. Page two of the discussion document lists the goals as follows:

- 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

Law Director Ebert has provided a memorandum dated June 13, 2016 with information pertaining to how expenses that are assessed are allocated. It is hoped that he will also provide an update on the right-of-way and easement situation during today's discussions.

Mr. Henderson stated that there are at least two goals for today's meeting: 1) to fully understand the project's scope and cost and come to consensus on what we think about that; 2) to develop a consensus regarding the residents' assessments.

Mr. Henderson referred to the discussion document, page 3, which is a brief recap of the Public Improvements Committee meeting held May 3, 2016. On May 3, 2016, two

projects were discussed in significant detail. The first was the Bruce/Russell/Douglas Project, a very in-depth project with at least three options on the table for that project. One of those options is involving sump pumps and because the City of Lakewood is currently working through a project that they are calling their Clean Water Project that involves some similarities to the Bruce/Russell/Douglas Project, at least one of those options, it is fair to say that we are currently awaiting initial results from that project. If that project goes well, it might be possible to use that as a model for the Bruce/Russell/Douglas Project. That option might be less expensive than some of the other options on the table. Mr. Greytak stated that it appears that the Lakewood Project will be completed within the next couple of months, however, the Law Director has said that any information coming out of that is privileged and confidential until negotiations are completed with the United States Environmental Protection Agency (USEPA). There will not be a published document to be able to be shared on those results until those negotiations are completed by the City of Lakewood. Mr. Henderson asked Mr. Ebert if that is a typical approach. Mr. Ebert responded affirmatively. Mr. Greytak stated that he made a presentation to Lakewood City Council on Tuesday, July 5, 2016 on the presentation of the plan that is going to be submitted to the USEPA and it is available for viewing on UTube under Lakewood City Council. The full presentation is there along with initial results. CT Consultants is about 50% done with the construction. They have seen significant decreases in volume of flow.

Mr. Henderson noted that the Sunset Area Project is the focus of the discussion today. The Bruce/Russell/Douglas (BRD) Project cost ranges that were originally estimated, depending on which option reviewed, were somewhere between \$800,000 and \$4.6 million. On May 3, 2016, the Sunset Area Project costs were estimated at about \$2.669 million. Putting those two together and examining some of the cost distributions for them, looking at the most expensive option on Bruce/Russell/Douglas, and the single estimate at that time for Sunset, we were looking at around \$7.3 million total capital expenditures across both city-borne expenses and expenses that may be assessed to residents. During the last meeting, Mr. Henderson asked Finance Director Mahoney to prepare a debt capacity analysis. There is a legal limit to the amount of money that any given city can issue in order to execute projects. The City of Bay Village can issue another \$22 million approximately. However, that is similar to maxing out your credit card. That is not an advisable course. Also, in the last meeting, Mr. Henderson asked the Finance Director to offer an opinion in regard to issuing, at that time about \$6.3 million in debt, which was the then-estimate of money that the City would expend under some of the scenarios, and whether or not the additional \$6.3 million in debt would jeopardize the City's very strong credit rating. It was Director Mahoney's opinion that it would not. Finance Director Mahoney stated that bond counsel would not give her an opinion. He advised that if the City does go out for debt they would hopefully use the assistance of a financial advisor and it be a rated issuance. Mrs. Mahoney stated that the City could issue the debt.

Mr. Henderson continued, stating that this answers two of the questions that came to his mind when looking at the numbers. Can we issue enough debt to fund both projects? From a legal perspective, yes. From a bond rating perspective, possibly. But, similar to

our personal finances, just because you can afford something doesn't necessarily mean it is the right combination of things to purchase. Mr. Henderson addressed Councilman Clark, noting that he would be interested in his opinion as Chairman of the Finance Committee with regard to the total costs of these projects and how they should be considered in context together.

Mr. Clark stated that it would be helpful if City Consulting Engineer Bob Greytak would walk through the particulars of the technical side of the projects. Mr. Clark added that if the City looks to go to the long-term market he wouldn't look at doing two separate issues. He would look at the context of doing Sunset and Bruce/Russell/Douglas at the same time which would be fair to the City, to the residents, and to the City's balance sheet and the capacity to pay. Any decision on Sunset Mr. Clark would enforce would include determination as to what is to be done with Bruce/Russell/Douglas before going to market from a finance perspective.

Mr. Henderson stated that Page 4 of the discussion document prepared for today's meeting includes a chart showing some of the historical estimates for this Sunset project. In 1982 there was a project plan put together. At that time the total cost of the project was about \$517,000. On an inflation adjusted basis, that is about \$1.3 million in 2016 dollars. In 2003, there was another study done. At that time the estimate was about \$821,000. On an inflation adjusted basis, that is still about \$1.3 million. In 2015, there was work done by Mr. Greytak. At that time the total cost estimated was about \$1.382 million. As we get into current time, the inflation factor is not as concerning. In February of 2016, the initial numbers we were looking at were \$2.669 million, an increase of 93% of the 2015 estimate. The project was so expanded by the addition of sanitary sewers and water mains to the roadway, and the storm sewers were the primary reason for the increase in that cost. It was an increase in the scope of the project. Since the Public Improvements Committee meeting of May 3, additional refinements have been made to the cost estimates that have caused the number to go up by another \$493,000, which is about one-fifth to the \$3.162 million.

Page 5 of the discussion document is a table that lays out, based on the portions of the projects, roadway, storm, sanitary, water, miscellaneous, contingency, subtotal for construction, engineering and inspection (soft costs) as well as the total. Individual sections of the project, the estimate of \$2,669 million in February 2016 and the \$3,162 million version that we are looking at now, as well as the changes are also documented on Page 5.

Page 6 of the discussion document is an illustration that Mr. Greytak provided. Mr. Henderson turned the discussion over to Mr. Greytak and Safety/Service Director Thomas for an explanation to the committee, from a technical perspective, on what is changing, and why those changes are causing a shift in the dollars.

Consulting Engineer Greytak stated that Page 6 is really an illustration of various approaches to pavement. This was taken from a report that Michael Benza and Associates, engineer, had done back in the 1980's illustrating four different types of cross

sections for the pavement. The illustration attempts to show where the water would naturally drain based on those cross sections. Cross section A is a gutter with a crown center. The water drains into the gutter on both sides of the roadway. One of the basic principles behind roadway drainage is that during the design storms at least one lane should be kept free from water so that there is pass through without driving through water. This is not as much of a concern in the low speed areas as in the high speed areas such as an interstate highway. In Illustration A, the vehicle shown will be traveling through some water and the width of that water depends on the cross slope of the pavement, the longitude slope and the design storm. The vehicle in that illustration would be able to negotiate without driving through water if he chose to drive through the center.

Illustration B is called an inverted crown that was ultimately what was decided to design around for the Sunset project. The water in the inverted crown travels towards the center of the roadway and drivers are able to maneuver around the water in opposing lanes on each side of the road.

Illustration C is similar to Illustration A in that there are gutters and the water travels to the gutters and is drained away.

Illustration D is the initial design which was to drain all of the water off the pavement into roadside swales and to try to eliminate all of the water in the pavement.

After doing a comprehensive review in the field of the original design with the swales, it was determined that the impact will be fairly significant, not only in the right-of-way but to properties adjacent to the right-of-way to the point that they thought that the cost would be significantly higher if they stayed with that design approach. They came back to the City, shared their findings, and discussed the possibility of switching the design to the inverted crown rather than the swales on the side of the road. The inverted crown limits the work to only where the pavement is and there is not any significant drainage, restoration, or grading work outside the limits of the pavement. The design was changed to accommodate that and with the water now draining to the center of the roadway the need to control that water increases significantly. There are a series of inlets that are located in the center of the roadway. In concert with the permeable pavement and the intersections these inlets are the primary control devices for controlling the spread of the water. Wherever there is a sub-condition, or low point, there is a need to understand what happens to that water during major storm water storm events so that the water is controlled within the pavement and doesn't affect the adjacent properties. Additional inlets and slotted drains were added in those areas to control the water. Those areas also have driveways adjacent to them that go down to garages that are beneath the first floor and are particularly vulnerable to flooding especially if there are not enough inlets in those areas to take the water away.

Mr. Henderson asked Safety/Service Director Thomas the factors he considered when he authorized the change in design presented by Mr. Greytak. Mr. Thomas stated that in looking at the design, they were very concerned about taking up more space inside

Sunset, because they knew they were working within a refined area. Sunset is a small area to begin with. They realized that and felt that the inversion made more sense from a practical standpoint. And, certainly from the homeowners it would be less intrusion into their properties. The design itself, in looking at the intersections, the inversion is not going to be placed there because it will even out in those intersections. In speaking with Mr. Greytak and looking at other designs, they felt it was very appropriate for this particular area.

Mr. Henderson stated that this design is narrower, requiring less horizontal space for the entire project when considering the roadway and the edge.

Mr. Koomar stated that he understands the concern of not wanting to take up more room, but Mr. Thomas did not cite any concerns that Mr. Greytak cited in terms of the water flow. Mr. Thomas stated that it was a combination of both concerns. In this particular design, they felt they could deal with the water better. Looking at those two objectives, where the water was going and taking up less space, they felt the design made sense.

Mr. Henderson asked if Mr. Greytak determined that the cost would be higher in going with the swale design. Mr. Greytak stated that there was the potential that the cost could be higher. By switching to the inverted crown, the actual amount of storm sewer that is being installed is not changed at all. The number of inlets in the original design which were on both sides of the road in swales with inlets before every driveway to control flow before the water reaches the driveway have been decreased because they are now all in the center of the road. They will have to be spaced a little closer, but the number of inlets actually dropped from the original design. By changing to the inverted crown, the impact on the actual storm sewer hydraulic design was negligible. In fact, it was probably a little bit less expensive, as far as the actual pipe links and number of inlets.

Mr. Henderson asked Mr. Greytak to walk through the changes in cost illustrated on Page 5 of the discussion document. The increase in price of the roadway by 45% from the February, 2016 estimate was explained by Mr. Greytak. They have developed the documents to allow the taking of bids for two types of pavement. The City will be able to make a choice between whether they want an asphalt pavement that would be 18 feet wide, except on Lakeview which would be 16.5 feet wide, or they can evaluate concrete as an option to the asphalt. Both are designed to the same structural strength. The opinion is that the asphalt will be slightly more expensive. Asphalt is very difficult to forecast the cost because oil is a major component of asphalt. The price of oil can set the price of asphalt which makes it subject to the whims of the market. The numbers used are based on recent Ohio Department of Transportation (ODOT) bids so they are the best estimates at this point. If the market changes that would impact the cost of asphalt. The buffer is to have another type of pavement to choose from should those prices become unyielding. Out of those two options, the opinion of the cost of asphalt is higher. That is the number they used in their calculations. They are giving the upper range on that cost.

Mr. Thomas interjected that the cost figures are estimates because they do not have final numbers. The finals really dictate how that actual cost came out. Prior to actual

engineering, they really weren't sure of the numbers.

Mr. Greytak continued, stating that the major drivers on the roadway costs were due to advice from the geotechnical consultant who has done the soil borings and the analysis of subgrade. They have two items that they recommend being included in the project, both of which the actual magnitude is unknown at this point. They have decided to include them as a project cost overall. One is cement stabilization of the subgrade. There are potentially areas that are going to be soft subgrade after excavation of the existing pavement. An approach to reinforcing that subgrade is to add cement to the soil which creates a stronger subgrade than the natural soil. It is one of those "if come" items. But, they have included cement stabilization for all of the subgrade in the project area. That price was added at the recommendation of the geotechnical engineer. The second addition was to remove a lot of the subgrade where it could be found that the cement stabilization didn't give enough structural strength in the subgrade resulting in having to dig out the subgrade to some unknown depth but a depth that would be determined in the field. That would be replaced with aggregate with the pavement built on top of that. A significant quantity was added for subgrade removal and replacement.

Mr. Greytak stated that in understanding how these bids are put together, this is a unit price contract. A unit price contract is contracting with a contractor to build units of work. If a bid item is included for 1 ½ inches of asphalt surface, and it is determined that it is a certain number of cubic yards, the only contract with the contractor is to provide so many units of asphalt at the price he bid per cubic yard. If he bids 100 cubic yards, whether 50 or 1000 cubic yards, the price is \$50 a cubic yard. When all of these prices add up to the bottom line, we are not agreeing to pay that bottom line. We are agreeing to pay unit prices and the number of units actually installed in the project. When doing the estimates, it is imperative to get the price possible for each unit of work in the project. For cement stabilization, enough quantity has been included with the assumption that all of the sub-base is going to require stabilization. Whether it is used or not will be the judgment of the geotechnical engineers in the field. But, to get the best price per unit, it is ideal to have the most quantity as possible in the estimate so that when a contractor bids it he is not careless enough to assume he may or may not do the whole quantity and the best price is received under a competitive condition. If additional quantity is needed the City will be paying an inflated price for every square yard needed that is installed over and above the bid unit price. It is necessary to watch what the quantities are so that there is not too low of a quantity to allow the contractor to inflate the unit cost without expectation that it would increase the bottom line of the bid. Because we are negotiating on a unit price basis, he will be paid whatever he bid per square yard. If that turns out to be a much larger number, then he will get paid for that higher quantity based on what he bid. The attempt is to make the quantity high enough to keep the contractors honest when they bid. There is no expectation that we will necessarily use all of that. We may not; we may use a little more. It depends on field conditions. We include those things in our opinion of cost because they may come into play. But, it is up to the City to decide how many units they want to actually purchase from the contractor to do the work. That represents a significant cost increase by adding those two items at the recommendation of the geotechnical engineer. Another option would be not to include it at all and negotiate

a change order should conditions be found that would require it. Obviously, change orders are not the preferred way of doing contracting with a contractor. You want to get the number under a competitive bid. Once you have a contractor under contract and you are negotiating change orders that can be quite contentious, a long process and cause delay in a project if there is not an agreement on numbers. It is better get the bid price on front than it is to wait and do it as a change order. There are quantities in these estimates that are showing up under the bottom line that may not be used. But, we want to have those numbers in hand so should we run into that situation we have the best price per unit for each of those items.

Mr. Greytak stated that the other thing they wanted to get a price on is because we have pavement which is narrow. Regardless of speed and perception, 18 feet of pavement from a traffic standpoint is narrow. They expect that there will be people, as they pass each may go off of the pavement onto the adjacent turf. There may be contractors who are parked there doing lawn maintenance who will pull off the pavement onto the turf next to the pavement. They thought it prudent to include the price for construction of a reinforced strip of buffer three feet wide on both sides of the pavement which is essentially a network of plastic cells filled with soil and aggregate. Grass can be planted there so that under normal conditions it just looks like grass but it is reinforced with enough structure to take those occasional excursions off the pavement and onto the grass without creating ruts and without creating a potential hazardous situation for a driver should they drive off into a soft area and get back onto the pavement. The option is an additional \$117,000. It is something in the specifications that is listed as something that would be installed as directed by the City so there is no expectation that it would necessarily be required everywhere. Enough of that reinforced dirt is included in the project estimate. The \$117,000 was not included in the February estimate. Fifty percent of both sides of the roadway is covered in the estimate.

On the storm sewer change of price, the difference in the pavement cross section did not add any storm sewer or inlets, but when looking at the depth of the storm sewers and the subsurface conditions that the storm sewers would be installed on, a structural analysis on the original pipe indicated that the PVC or Polyethylene material, which is a flexible pipe, is a difficult pipe to properly install at shallow depths. It depends on the expertise of the contractor to properly bed that pipe. Because it is flexible it depends on the sidewalls of the trench to maintain its shape. If not properly installed, the pipe will go egg shape essentially which will have a negative impact on the pavement right above it. It was decided that reinforced concrete pipe was the best choice for the project as a whole and the analysis indicated a Class 5 pipe which would have the most strength. Because of the land conditions and the depth there is more impact on the pipe. The driver on the change of the storm cost is the change of the type of pipe being used. The recommended Class 5 pipe is a rigid pipe as opposed to a flexible pipe. It is designed to take those loadings. It does not depend on the sidewalls or the skill of the installation. It is impervious to those types of mistakes or lack of quality control on the contractor's end.

Mr. Henderson asked Service Director Thomas, based on his experience as a Service Director, if this is something that he would think is required for the project. Mr. Thomas

stated that they have seen these types of things before where pipe was not structurally strong enough and they have behaved exactly as Mr. Greytak described, or by flattening out entirely, which would of course lead to flooding. He concurred with Mr. Greytak and noted that soil conditions dictate how they have to go forward with construction.

Mr. Henderson asked if this is due to road design. Mr. Greytak stated that they would have done the same analysis regardless of road design. The depth of the sewer did not change. The initial concentration was to find a routing for the storm sewers. The second concentration was to do a hydraulic design on the storm sewers, to make sure they were large enough to take the design storms that they are planning to convey to the system, and, number three, to have the inlets spaced at the proper spacing to control the width and spread of the water on the surface. After those things were determined and the final alignment was done, they looked at the actual structural value for the pipe itself. That is when Mr. Greytak determined a change of pipe materials was needed.

Mr. Vincent asked if the amount of traffic was taken into account when analyzing the choice of pipe materials. Mr. Greytak stated that all pipe is designed to take truck traffic. Because of the nature of the area, trucks are not a major concern. But, because of the shallowness of the storm sewer system, it is a prudent choice to design it as if there may be an occasional truck, whether a moving truck, delivery truck, school bus, or trash truck driving over that pipe. They want to make sure they have a condition that can support that kind of traffic.

Mr. Henderson observed that the increases of \$233,395 and the \$286,601 both occur on roadway and storm. Roadway and storm happen to be the components that are potentially assessable. Whereas, the sanitary sewer and water are the parts that are not in that category.

Mr. Greytak stated that the primary driver for the sanitary increase was the decision that after inspection of the sewers on both Sunset and Kenmore the existing sanitary sewers in the roadway were salvageable and would not need to be replaced. However, an option that is a bid item was included to line those sewers to reduce the amount of infiltration and to give them additional structural value going forward so they would have an equivalent life going forward as the rest of the improvement. There is a new sanitary sewer being constructed on Lakeview. The sanitary sewer will replace the sewer that is currently running behind the homes on Lakeview in the backyards between Sunset and Lakeview. That sewer is in a location that is not accessible by the City without doing significant damage to property. The sewer has been televised to some extent. It is in deplorable shape and should not continue to be in that location and because it is structurally deficient. There is also a short section of sanitary sewer on Sunset that was precipitated by the fact that the storm sewer down Sunset would be at a depth that the homes on the north side of Sunset would have lateral connections being cut though by the new storm sewer. They would be cut off from access to the existing sanitary sewer. A short length of new sanitary sewer is planned on the north side of Sunset so that those homes can be reconnected to a new sanitary sewer and connected downstream to the existing sanitary sewer on Sunset. The fact that total replacement was not necessary

resulted in some savings on the sanitary side (\$157,120).

The water main category went up by \$96,098 largely driven by interferences between water main and existing utilities that require water main lowering. It is a localized condition where water mains are dropped down deeper and brought back up on the other side. This requires fittings which are expensive items to construct. The other driver on the water is that they are looking at current prices and decided that the water main price was a little low. They thought it prudent to adjust the price based on what they have seen on current bids.

Mr. Henderson asked Director Thomas to comment on why water needs to be added to this project as seen on the slides in the May, 2016 meeting, and not included in the 2015 estimate.

Mr. Thomas stated that in looking at that area, and working with Cleveland Water, there are certain areas where the pipes have deteriorated. Typically when you do sub terrain work the structure of the compacted pipe folds when pressure is put on the pipes during this work. This results in water leaks which cause additional problems. The current condition of those pipes is bad to poor and may result in leaks which would waste money and time.

Mr. Henderson stated that he was looking at the 2012 Water Main Analysis from Cleveland Water. Sunset was rated poor. Kenmore and Rockledge, north of Sunset was rated very poor. South of Sunset was rated poor. Lakeview was rated fair. He noted that Mr. Greytak just explained that not all of the sanitary sewers need to be replaced. Mr. Thomas was asked by Mr. Henderson if Mr. Thomas believes that all of the water lines need to be replaced, or ones like Lakeview that rated fair might not need to be replaced. Mr. Thomas stated that we should have it planned for all replacement. However, that decision can be made at the time of field inspections. Mr. Greytak agreed, but added that those ratings are undisturbed pipe, assuming that construction traffic is not being done around it. When soil is disturbed and construction is started around water mains, they break, especially considering the age of the water mains. Under construction conditions you would see a different rating. The size of the water main now is six inches. Under current standards this is a sub-standard size. The water main being proposed now for this area is eight inches. The flow characteristics are much better. Fire protection is much better with an eight inch than a six inch pipe. In many cases where you think you have a water main that is in good enough shape to continue an operation and you replace all the water mains around it but not that particular water main, usually the pressure goes up because you put in new water mains with better flow characteristics and better pressure. The old water mains that we are seeing at 35 psi are now seeing 50 psi pressure. They tend to start to break. Those ratings are only based on the assumption that nothing else is changing.

Mr. Koomar asked how the City of Cleveland rates water lines. Mr. Greytak stated that it is based on break records. Mr. Greytak stated that he doesn't have the actual data that they used to determine the rating, but usually they rate it on the lining characteristics of

the pipe. Usually for a neighborhood like Sunset they would want to undertake a study based on break records.

Mr. Greytak stated that the miscellaneous category in the Uses of Funds Estimates includes things such as signs. They do have a number of \$50,000 in the miscellaneous category estimated to be allocated to work by CEI in the project area should they need to relocate any poles for construction, which is not anticipated by Mr. Greytak. The change in the Public Utilities Commission rules do not allow them to do design work gratis in anticipation of a project that may or may not go forward because they cannot recover their costs through their rate structure unless they are assigning a job number for the project and can recover their design work.

The line item of Contingency is truly the contingency for this project and is 8.8% of the project, or \$200,000. Under Engineering and Inspection the engineering numbers they had were for work done to the February, 2016 point. Since that time there has been additional engineering done. There is also the percentage that was included for construction engineering and inspection which was 10% of the project cost. The project has increased in cost so the 10% applied to that has increased those costs.

Mr. Henderson asked the total that the City has incurred to this date on engineering preparation for this project. Mr. Greytak stated that they are currently at \$181,000 which included all the work done on the project going back to 2011. That amount is included in the estimate of \$648,030. Ninety-nine percent of that has already been paid. Engineering costs are 26% of the project costs. The soft costs also include legal fees, bond counsel, and things not related to hard construction.

Mr. Henderson referred to the map of the right-of-way and easements on Page 7 of the discussion document, and asked Law Director Ebert for an update on this front. Mr. Ebert stated that a meeting was held several weeks ago about the boundary issue, the right-of-way being the road and the easement accessing to the road as far as the placement of sewers and public utilities. A copy of the legal description has just been received which Mr. Ebert will include with the documents. There is agreement with the residents for the park land and the properties to be used for various improvements. The pavement itself will be the right-of-way because the City is actually contributing money. The easement will be adjacent to the right-of-way. The concern always was that the City would not install monuments to block the view on the park property. It is not the intention of the City to do that, although Mr. Ebert cannot guarantee that in perpetuity. Mr. Greytak added that the approach was decided that the pavement itself and the area encompassed by the pavement would be dedicated right-of-way to the City and that anything else required for utilities north of that is essentially only an easement for the purpose of utilities.

Mr. Henderson asked the governance protocol of the homeowners association. Mr. Vickers stated that the Board has given him the authority to negotiate with Mr. Ebert. He stated that he does not anticipate any problems. The assessment is reasonable and everything should work out fine.

Mr. Ebert stated that there cannot be a value put on the park land by an appraiser. Mr. Ebert did provide a comment on the assessment procedure under the Ohio Revised Code (ORC) Mr. Henderson that is available in the Appendix document. There is one property that has three sides to it.

The Executive Summary is that under the ORC there are three methods of assessment: percentage of the tax value of the property assessed, apportionment of benefits, and the running front foot method which is the method that has always been used by the City. It is most defensible in Court because it is objective in nature. The City historically has never deviated from that method. Those issues do come up with Equalization Boards who may take a different approach to eliminate any concern or problem.

Mr. Henderson stated that he has been questioned by residents as to whether square footage of the lots could be used for assessment purposes. Mr. Ebert stated that even though the lot sizes are different, there are still the same number of cars using the roadway for travel, there is still drainage tied into the storm sewer. Also, you cannot assess more than one-third of the value of the property, whether it be a house or a lot.

Mr. Ebert's recommendation to Council is to assess on the linear foot. One issue to be addressed is the property fronting on Lake Road owned by Mr. Zimmerman who actually ties into the sewer on Lake Road.

Page 8 lists "Sources of Funds" – February 2016 lists three columns, including Paid by City, Assessed, and the Total of the two columns. Going down the rows there are various components. Mr. Greytak stated that by ordinance and the Ohio Revised Code the City is required to pay two percent of the project costs regardless of intersections. Intersections are those areas that are not fronted by any particular property and the City would pick up the cost of the work in the intersections. You cannot assess more than one-third the value of the property so the calculation assumes that it will be based on the front foot. If one-third of the value of the property is less than that then the value will be placed somewhere else. There are items of work that involve around maintenance projects such as the sanitary work and the water line construction. Those are new improvements that are not benefitting the owners necessarily. They are essentially maintenance items and it would be difficult to assess anything considered a maintenance item versus an improvement. The engineering for sanitary and sewer are also included as soft costs. By ordinance and the Ohio Revised Code the City is obligated to take on those costs. Any costs above and beyond those are at the option of the City.

In the February, 2016 discussion, the total cost of the project at that time was \$2,669 million. The percent of that total to be assessed to residents at that point was 44%. It was 100% of the road and storm of \$1,184,563. Mr. Henderson received back emails from residents and included one quote from a resident who said he felt it was unfair for the residents to bear 44% of the total cost of the project. In the May meeting, an alternative assessment was reviewed. Some of the residents stated that the level of the assessment in dollar terms was unprecedented. In order to determine if there was a prior assessment we could look at as far as the total amount of assessments on average, Mr.

Henderson asked the Finance Director to identify a project in the past and prepare an historical assessment analysis.

Mrs. Mahoney stated that for the Cahoon project in 1986, the City paid two percent of the intersections and by Council recommendation they paid the difference between paving of seven inches and ten inches, and the difference in width from 26 feet to 28 feet. The City received \$20,000 in Community Development Block Grant money; the City also paid engineering, legal and miscellaneous costs. The City also contributed an additional \$50,000. The residents paid 16% of the cost of the project. The project was street, curbing, paving and storm sewers. Storm sewer connections were an extra \$1,200 for those who needed that connection.

Mr. Henderson stated that this Sunset project dates back to the 1970's. The cost of the project is high, and the assessment in dollars to residents is relatively high. There were studies written in 1982, 2003, 2015, etc. Some of the same exact push back was arising after 2015. After many discussions, Mr. Henderson concluded there was an historical abnormality. This is the only part of the City that has this unique situation. In an effort to move forward past this forty year impasse, Mrs. Mahoney was asked to compare this and that way the committee and Council could consider this as a potential benchmark for addressing the concern that the assessments described in February, 2016 would not be unprecedented. The average mean assessment in the study of the Cahoon Road Project was \$4,309. Applying the Bureau of Labor Statistics Consumer Price Index to consumers to that number bring it to 2016 dollars equates to about \$9,300 on average, per parcel for the Cahoon 1986 project. That became a reference point discussed in the May project. That worked out to about \$122 per linear foot. In the May analysis on Page 9 we were still working with the \$2.669 million. The local share intersections were all the same, but there was a new line item added called road and storm City contribution. This amount, \$692,642 at that time was the amount required to mathematically bring the price per linear foot to about \$120 which would cause the average assessment per parcel to be about \$9,300 which was the average of the Cahoon 1986 project on an inflation adjusted basis. This is a reference point we might consider. At that meeting in May, if you look at the portions paid by the City versus the portions assessed, we discussed that the assessment was going to be about 16% of the total project, and paid by the City would be 84%. A gentleman in the audience pointed out at that time that this might not be the way to consider it and Mr. Henderson concurs with that. Looking just within the road and storm portion the sum of those two numbers if \$1.130 million. The \$437,000 divided by the \$1,130 million, the assessable portion of the project was 39%. This is an alternative and fair way of looking at the totals.

Page 10 is new information for this meeting. This is the most recent July information. Between May and July, the cost estimate increased \$492,922 to about \$3.1 million. Also, the distribution of those changes was not even across the various components of the project. The parts that went up were the non-assessable parts. The local share shown on Page 10 is \$47,515, Intersection \$83,028, Excess of property valuations \$104,362, Sanitary Construction \$273,000, Water Construction \$405,828, Engineering for the sanitary and water \$107,551. The road and storm components of the project now total

\$2.140 million. Going back up to that number in the middle column, the number assessed to residents is \$437,756. On this analysis, the number is staying the same as it was back in May because that is the number that is necessary to cause the linear front foot assessment to be about \$120 per linear foot which is the number necessary to make the average assessment per parcel about \$9,300 which is the inflation adjusted version of the Cahoon 1986 benchmark. This is not something that must be done. It is a point of consideration.

However, because of the distribution of the changes between the assessable and non-assessable portion of the City, in order to cause the portion to be assessed to be only \$437,000, the City contribution has to be increased from \$1.7 million in contrast to the \$692,000 that was discussed in May. That is a significant shift. Also, shown on the bottom row, rather than the 39% that would be assessed in the May numbers, this brings it down to 20% of the assessable portion of the project. That is a material shift and something that must be considered. There is a delicate balance between affordability for the residents in Sunset to make sure this project can move forward, and fairness to all of the other taxpayers in Bay Village. Whenever we shift the money out of the assessed column and put it in the paid by City column, ultimately that gets paid by all the taxpayers. Taxpayers have had assessments on their properties for these types of improvements in the past.

Mrs. Mahoney stated that she misspoke previously. The Cahoon residents were actually assessed 54% of the project. On Bassett Road the assessments were 25% to the homeowners.

Mr. Koomar asked if all of the utilities are under the roadway. Mr. Greytak stated that they are not. Mr. Koomar asked what percentage of the cost would be in the easement area and not something the City could bond out. Mr. Ebert stated that bond counsel would have to give an opinion. Mr. Foster stated that the only thing in the easement is the storm sewer.

Lynn Bennett, Sunset Drive resident stated that the Sunset residents have also been taxpayers paying their share for improvements all over Bay Village as well. Mr. Ebert stated that historically there are about four areas in the City that never were assessed for storm sewers. The Sunset area, Cahoon area, and Longbeach area are among those. This is the reason it is difficult to look at precedent. Mr. Henderson stated that in trying to look at precedent that is why the Cahoon Project comes into the discussion. Mr. Henderson noted that when he bought a home in Bay Village the cost for the assessment was built into the price he paid for the house. The areas that Mr. Ebert mentioned are an historical quirk. Through quirks of history, they don't have the same exact infrastructure beneath them that other homes do. That fact that they are a very small number of houses in Bay that don't have the same infrastructure as others is a quirk, and it is important that we move past that. Mr. Henderson noted that is why he is open to ideas like the Cahoon 1996 benchmark to bring the assessments down to a level that becomes palatable. Another factor discussed in the May meeting is that if you are assessed an amount, it can be applied to the property's tax duplicate and it can be paid over twenty years with no interest, and with just a one percent fee for putting it on the tax bill. If you were to sell

your house in that twenty years, that liability transfers to the new owner. If you divide the twenty year cost by 12 that equates to a monthly equivalent of what has to be paid. As you balance these numbers, it is clear that some are very large, but they can also be divided out in ways over time and if you sell your house you are not paying for a benefit that someone else will be receiving. Mr. Ebert stated that once it is placed on the tax duplicate it cannot be paid off earlier. It remains for the twenty-year period. The average assessment of about \$9,300 works out to around \$40 a month if you spread it out over twenty years.

Eric Michaels, a Sunset resident, stated that the numbers are changing significantly on the intersections. It is not a \$1.1 million increase in the roadway and storm, the portion paid by the City is effectively the same, except that the total cost of the project is increased by \$500,000. On Page 5 you can see where the costs changed between the February costs, which was also the number used in May, and July you can see where the roadway and storm bore the majority of the increase in costs. The intersections are very interesting between the May and July reports. In May there was \$408,000 attributed to intersections, but in July there is \$83,000 attributed to intersections. Mr. Greytak stated that the initial cost of the intersections was based on the calculated assessment per front foot. There was originally \$300 per front foot and the linear feet of the intersection multiplied by \$300 was the cost of the intersections. Now that the assessment is recalculated to be about \$120 per front foot, that same front foot formula was applied to the length of the intersections involved, and that dropped the number. Mr. Henderson noted that in May the \$120 per front foot was the front foot formula being used. Mr. Greytak stated that it was incorrect in the May statement, and corrected in July. When they were looking at the calculations they looked at the entire spreadsheet and saw that the calculation for the front foot cost on the intersections was not changed to reflect the correct calculation. Mr. Henderson confirmed with Mr. Greytak that Mr. Greytak is advising that there was an error in the May calculations with regard to the \$408,000, correcting the error so that the intersections were calculated on the \$120 per linear foot brings that number down to \$83,000. The correct number is \$83,000. Mr. Greytak is confident that the correct number is \$83,000, not \$408,000.

Mr. Henderson asked Safety/Service Director Thomas to review Pages 11 and 12 of the discussion document regarding the proposed timeline for the project.

Mr. Thomas stated that the timeline needed to be expanded out. The plans are complete and they will be filed with the Clerk of Council this date, July 7, 2016. Mr. Henderson asked for an explanation of what that action means.

Mr. Thomas stated that the action means they can start the timeframe now of actually filing these plans with the Clerk of Council and the public has access to these plans. The whole process can move forward and Council can take a look at the actual cost of the project and the amounts to be assessed.

Mr. Henderson asked if it is routine to take that action before the appropriations are authorized for the project. Mr. Thomas stated it is because at any point it can still be

rejected by Council, but to have an actual plan in place is how a plan gets started. Mr. Ebert interjected that Council must pass a Resolution of Necessity for a project with an estimate of what is going to be assessed. When the Resolution of Necessity is passed by Council is when the actual time period for filing objections begin, the Equalization Board is appointed by Council, and the project moves forward. The Resolution of Necessity cannot be passed until the plans are filed with the Clerk of Council.

Mr. Thomas stated that they knew that there needed to be a time frame for Council to talk about the Sunset Project with the public and they wanted to move that to November, giving Council time also to talk about a source of funds for the Bruce, Russell, Douglas Project. Looking at the source of funds, once that is determined, the following schedule has been created by Mr. Greytak and Mr. Thomas for Council action:

Estimated assessments based on funding, assessment method, assessment list and statutory requirements	Based on Council's Schedule	1/9/2017	The source of funds must be established by this date for the balance of the schedule to be valid
Adoption of Resolution of Necessity – Clerk of Council to serve notice based on estimated assessment	Based on Council's schedule	1/23/17	
Service of Notice of Assessment	Completion of service is 14 days following evidence of receipt of last notice served	2/13/17	
Filing of Objections to Assessments	Must be filed in writing within 2 weeks of the date of final service	2/27/17	
Council appoints Assessment Equalization Board	Notice must be given to objectors 5 days prior to hearing	3/20/17	
Hold meeting of Assessment Equalization Board	The Board may hear the objections and make a decision the same evening or it may take a longer period of time.	3/27 to 3/28/17	

	However, it must report findings to Council	
Assessment Equalization Board reports recommendations to City Council		4/10/17
City Council approves or disapproves report	If accepted, Council may now proceed with ordinance determining to proceed If rejected, Council must appoint a new Board and set date for another hearing	4/10/17
City Council, if approves report of Assessment Equalization Board passes ordinance to proceed with project	Council schedule	4/10/17
Clerk of Council files ordinance to proceed with County Auditor		4/10/2017
Council passes resolution authorizing advertisement for bids	Council schedule	4/24/17
Construction bids received	Minimum of 4 weeks	5/29/17
Bid Accepted	Council schedule	6/12/17
Construction Agreement signed	30-60 days	7/10/17
Construction Completed	12-24 months depending on complexity of project	2018
Clerk of Council, on or before the second Monday in September, certifies		Date to be Determined

the special assessments for financing during the 20 year period of collection

Mr. Ebert noted that if any assessment objection is approved by the Assessment Equalization Board that portion will transfer to the City's portion. If Council states they do not agree, the process will start all over with a new Assessment Equalization Board, which will start the time period over.

Mr. Henderson asked how that process ties into the process of getting a signature on the easement right-of-way contract. Mr. Ebert stated that the easement right-of-way contract will be done soon, before the project goes out to bid.

Mr. Greytak stated that the right-of-way issue needs to be done regardless because the pavement is currently not in the right-of-way.

A resident asked how the issuance of bonds fits into the schedule of the project. Mr. Clark stated that as mentioned earlier it is incumbent upon Council to look at the current outstanding debt and the entirety of the two projects because they are travelling on parallel paths. The Bruce/Russell/Douglas Project is under an Environmental Protection Agency order. The cost of the Sunset Project has significantly increased. There is a lack of public funding for the project. The City did receive money for the Cahoon Road Sanitary Sewer Project, and the Bradley/Nagle Project. Once we sign off on the Bruce/Russell/Douglas Project we can move very quickly on that. Mr. Clark stated that he did not want to be in a position where we are issuing two sets of bonds, but at the same time the Sunset Project needs to be done at the right price, the right scope, and the right allocation for the City and the residents.

The resident asked if construction bids are needed prior to going for bonds. Mr. Clark stated that he doesn't know that the City will ever get that. There will be contingencies. The longer we wait, the more expensive the project gets. If we were to borrow the entirety of the 2.7 million that is proposed here, that is almost 25% of the debt we have outstanding now. We do have capacity to issue the debt, but we also have to be prudent in how we allocate that as well. There are other capital projects down the road that we see on an annual basis, so it is a delicate balance to our annual program of borrowing versus something like this. There is nothing wrong with getting something done that has been sitting around for a long time. That is what we have to figure out.

A resident asked if there is any reason outside funding cannot be obtained the way that outside funding was received for other City projects. If not, the residents shouldn't be penalized for it. If those residents benefited from outside monies, if we can't get it we are not benefitting from the outside money.

Mr. Clark stated that this is a good point. He is not trying to be in a position that would

be disadvantageous to the residents. The Mayor has stated that there is a minimal amount of outside funding available because of the private nature of the transaction. Mr. Ebert noted that, for example, Cahoon Road is a county road with more traffic. That is why there was county participation. Also, a grant has to be generated by a number of homes; the Sunset Project is too small for that.

The resident noted that the roads are not private roads. Mr. Ebert stated that part of the road is a private road because it is not in the public right-of-way.

The resident asked if the assessments go down if the cost of the project goes down after receiving the bids. Mr. Greytak stated that the final assessment is based on the final construction cost and all the other soft costs that are tabulated. It could go up or down. When the contractor submits his bid that will give an indication about where the project will be. But, if there are items that are not constructed then the assessment will go down correspondingly. Mr. Ebert noted that the assessments can only go up 15% of the amount of the bid.

Mr. Henderson stated that the Public Improvements Committee has not had a chance to review the documents that will be filed today with the Clerk of Council. Mr. Henderson asked Mr. Thomas if he plans on presenting them in detail to the committee at some point.

Mr. Greytak stated that the filing of the plans allow them to be inspected by anyone in the public. The filing of the plans is a benchmark as to when the process begins. The filing of the plans is not any approval by anyone. It is essentially, here are the plans, you can now begin to do any of the work that is necessary to formally begin the project.

Mr. Henderson encouraged everyone present at this meeting interested in the project to begin to review those plans. If there are any thoughts, questions or concerns about them, please let Mr. Henderson or your Council representative know.

Mr. Henderson addressed Mr. Greytak stating that they met on Thursday morning, June 23, 2016 with Mr. Thomas to talk about this project. Mr. Henderson asked for additional information for a Public Improvements Committee meeting so that it would be a productive meeting. Mr. Greytak sent information on July 3, 2016 and Mr. Henderson began working on this document on Tuesday, July 5. Mr. Henderson stated that he did notice the intersection shift but had forgotten to ask about it during this meeting. Mr. Henderson stated that he is glad a gentleman in the audience did ask. Mr. Henderson stated that he is disappointed that Mr. Greytak did not highlight that error to Mr. Henderson because it materially shifts the way the costs are allocated between the City and the residents. If there are any other material errors like that in the future, Mr. Henderson would appreciate Mr. Greytak letting him know.

Mr. Greytak stated that he considered it a rather minor error because the calculation was capping the assessments. The shift between the intersections was really changing money from one category to another without materially affecting the investment by the City, nor

the investment by the homeowners.

Mr. Henderson stated that it shifts the portion of the assessable project assessed to the residents of 39% in a prior assessment to 20% in this one and it makes the use of Cahoon Project benchmark all the more difficult. Mr. Henderson considers it material.

Mr. Greytak apologized, noting that his intent was to get the information to Mr. Henderson as soon as possible.

Mr. Henderson called for further comments. Mr. Tadych stated that there are 15 parcels on Lake Road, and 12 parcels on the south side of Sunset. Those 12 parcels on the south side of Sunset have had issues with the flooding from the upper portion on Lake Road. One resident has had water in their heating ducts in their home. Is any of this going to alleviate any of the problem from the drainage of the higher areas down to the lower areas?

Mr. Greytak stated that the project doesn't address any private property drainage issues. Because of the nature of the project, it is a pavement and storm sewer improvement project in the right-of-way and it doesn't address those inner parcel issues.

Bill Barack, Kenmore Road, stated that it is six months away before an estimate is received on the assessments. He noted that a spreadsheet with estimated assessments was issued previously and asked if we can do a quick preliminary so that everyone has an idea, knowing that it is no commitment on the City's part? There are a lot of other hidden costs that the residents will face, such as tying into the sewer. What might be some ballpark figures that we are looking at there? For everyone that lives on Lakeview, they are going to have another high-end cost because they are going to have to redirect all of their sanitary outlets from behind their homes to the new sanitary sewer on Lakeview. That is another additional cost. I would ask our engineer to make up a list of some of these things, and just provide a ballpark estimate so residents can start to budget.

Mr. Henderson stated that a spreadsheet, on an updated basis, connected to the numbers referred to as the July numbers. A detailed spreadsheet is contained in the Appendix prepared by Mr. Henderson for this meeting and distributed to the public today. Mr. Henderson asked that it be kept in mind that this is capped at the Cahoon 1986 benchmark of \$120 per linear foot. It is an idea that is on the table. It is definitely not a decision.

A resident asked about Item No. 2 on the timeline, the source of funds developed and confirmed by November 1, 2016, whereas Item 5 states the source of funds must be established by January of 2017, which is confusing.

Mr. Thomas stated that the source of funds must be developed by January of 2017. Item No. 2 should have been removed from the timeline.

Mr. Henderson asked if it is expected to receive any more changes to the plans or costs at

this point. Mr. Henderson stated that Mr. Greytak has expressed many times that as we advance the design, more work is done, we learn more and we get more accurate. Mr. Henderson asked Mr. Greytak if we think we are at the point where the designs and numbers are accurate and we can consider them stable for planning purposes with regard to how we deal with the assessments.

Mr. Greytak stated, yes, that is why the plans are being filed with the Clerk of Council.

Mr. Koomar stated that if the Public Improvements, Streets, Sewers and Drainage Committee approves this project it will be referred to the Council of the Whole for further investigation and understanding of the plans and project. Those steps for Council to move forward are necessary before the assessments come into play.

Mr. Henderson stated he will consult with his committee colleagues.

Mr. Don Zimmerman, Lake Road, asked if there is a longevity issue between selecting between concrete or asphalt for the pavement. Mr. Greytak stated that they made sure the design pavement were based on structural value of the individual components and they are both designed to the same structural value. The asphalt needs to be maintained, so there is sealing of cracks that needs to be done. There is maintenance needed for both asphalt and concrete. As far as the type of pavement, they are equivalent.

Mr. Henderson thanked everyone for their participation. The meeting adjourned at 8:30 a.m.

Tom Henderson, Chairman

Joan Kemper, Secretary



Bay Village City Council Public Improvements Committee

Discussion Document for July 7, 2016

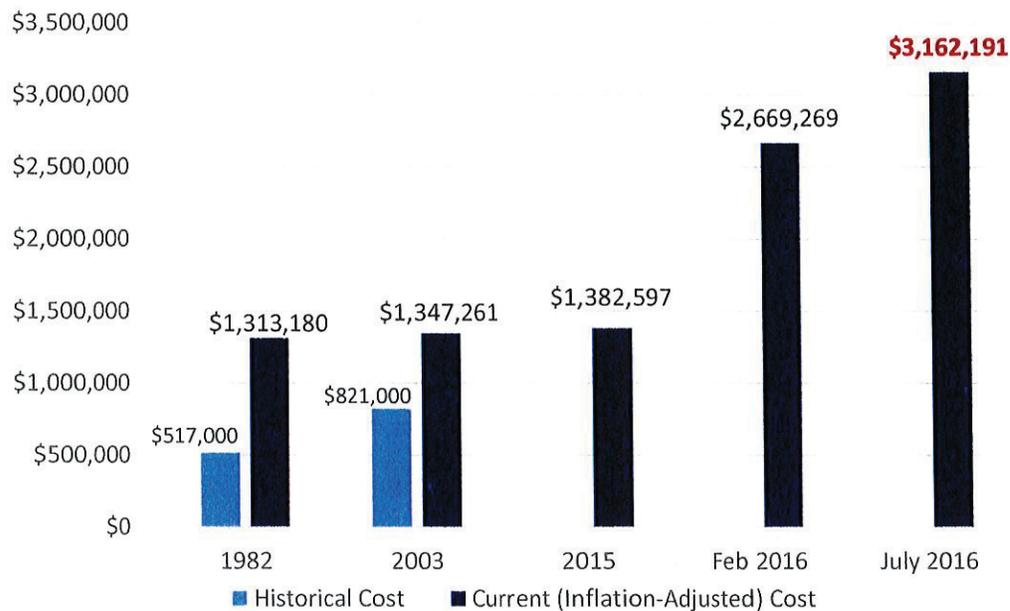
This document contains preliminary data, draft analyses and other information for review by the Public Improvements Committee; it contains no decisions, recommendations or approvals.

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

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

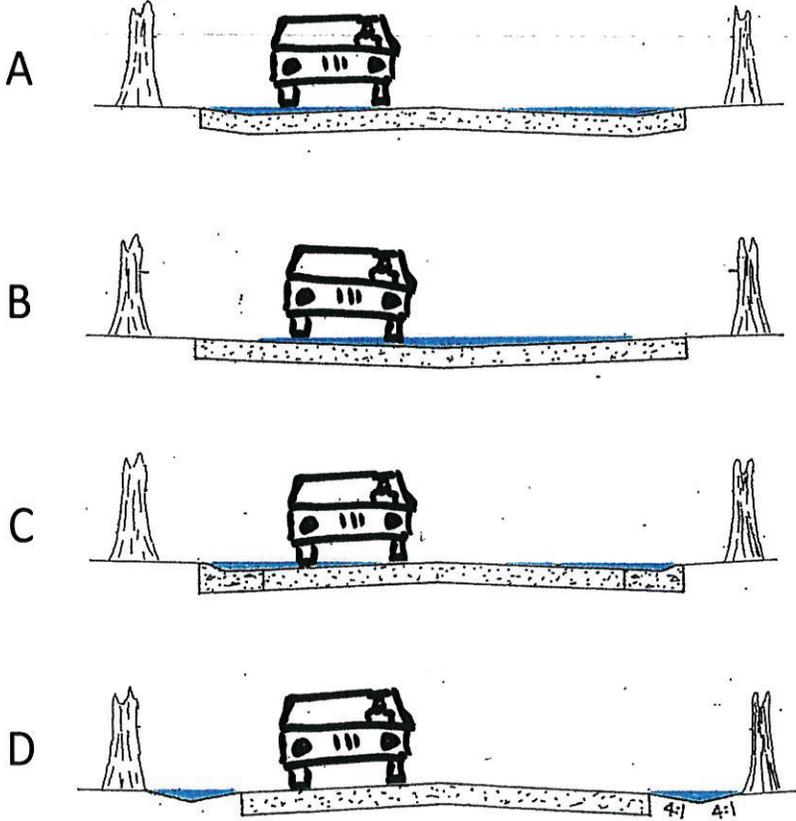


"Uses of Funds" Estimates – February 2016 vs. July 2016

- 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%.
 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.



"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.



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



Computed By: JMB DATE: 06/29/16
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 Page: _____ of _____
 Location: Sunset Area, Bay Village, OH
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 Job No: 14474

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



Computed By: JMB DATE: 06/29/16
 Checked By: RHG DATE: _____
 Page: _____ of _____
 Location: Sunset Area, Bay Village, OH
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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



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
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	Assessable Frontage Used	Corner Lot Frontage Based on Auditor's Legal Frontage	Corner Lot Frontage Based on Auditor's Effective Frontage	Assessable Corner Lot Frontage Used	Total Assessable Frontage Used	Tentative Preliminary Frontage Assessment	Current Market Value	Maximum Assessment 31%	Preliminary Frontage Assessment	Maximum Assessment Exceeded?	Unassessed Amount to City Portion
328	Garry	Regis	204-14-034	75.32	75.32	75.32	100	100	100	100.00	\$ 12,249.07	\$ 138,200	\$ 45,606	\$ 12,249.07		
300	Slezma	Kim	204-09-029	120	106	106				120	\$ 14,652.00	\$ 578,600	\$ 190,278	\$ 14,652.00		
320	Barack	William and Susan	204-09-030	60	60	60				60	\$ 9,768.00	\$ 424,200	\$ 130,888	\$ 9,768.00		
329	Foster	Jeffrey and Erin	204-09-020	74.66	74.66	74.66	100	100	100	69.66	\$ 12,168.48	\$ 197,300	\$ 65,109	\$ 12,168.48		
332	Galang	Anthony and Dawn	204-05-031	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	\$ 8,523.80	\$ 185,000	\$ 61,050	\$ 8,523.80		
341	Hartman	Barbara	204-09-018	74.66	74.66	74.66	100	100	100	99.66	\$ 12,168.48	\$ 154,900	\$ 51,117	\$ 12,168.48		
342	Voas	Jennifer and Elwin	204-09-010	105	105	105	157.42	157.42	157.42	144.30	\$ 17,826.75	\$ 236,800	\$ 79,134	\$ 17,826.75		
24744	Zimmerman	Donald	204-14-012	111.86	111.86	111.86	302.26	302.26	302.26	167.43	\$ 22,884.58	\$ 399,300	\$ 131,768	\$ 22,884.58		
24800	Kropop	Kevin	204-14-011	59.59	59.59	59.59	145.87	145.87	145.87	93.08	\$ 11,728.62	\$ 218,600	\$ 71,478	\$ 11,728.62		
24928	Davis	Edward and Mary	204-14-005	50	50	50	150	150	150	87.50	\$ 10,883.75	\$ 141,800	\$ 46,704	\$ 10,883.75		
25008	Denk, Sr	Josef K. Trustee	204-14-004	51.65	51.65	51.65	150	150	150	99.18	\$ 10,885.22	\$ 122,800	\$ 40,458	\$ 10,885.22		
25098	DeRubbis	Dane	204-09-011	51.65	51.65	51.65	150	150	150	89.13	\$ 10,885.22	\$ 171,500	\$ 58,694	\$ 10,885.22		
24905	Krebs	Martha	204-14-044	130.5	130.5	130.5	72.95	72.95	72.95	105.58	\$ 12,890.71	\$ 460,100	\$ 151,833	\$ 12,890.71		
24815	Priendergast	Michael	204-14-047	43.5	43.5	43.5				43.5	\$ 5,311.35	\$ 197,900	\$ 65,307	\$ 5,311.35		
24901	Bnil	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	71.8	71.8	71.8				71.8	\$ 8,742.36	\$ 480,000	\$ 156,400	\$ 8,742.36		
24915	Marconi	James, Trustee	204-14-052	48.4	48.4	48.4	115	115	115	71.30	\$ 9,420.02	\$ 512,300	\$ 169,559	\$ 9,420.02		
25001	O'Malley	Judith, Trustee	204-14-053	37.33	37.33	37.33	100	100	100	62.33	\$ 7,810.49	\$ 367,500	\$ 127,875	\$ 7,810.49		
25005	Marquardt	Thomas	204-14-054	37.33	37	37				37.3	\$ 4,554.33	\$ 217,800	\$ 71,874	\$ 4,554.33		
25011	Slawert	Dorothy	204-14-055	83.3	83	83				83.3	\$ 11,391.93	\$ 246,600	\$ 81,444	\$ 11,391.93		
25021	Donahee	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	\$ 427,000	\$ 137,410	\$ 4,517.70		
25035	Busdiecker	Kevin	204-09-027	37.35	37.35	37.35	100	100	100	62.38	\$ 7,812.94	\$ 394,200	\$ 130,268	\$ 7,812.94		
	Bay Park Beach Co		204-09-028			85.0				85.0	\$ 103,785.00	\$ 2,300	\$ 759	\$ 103,785.00	Yes, cap at \$759	\$ 103,026.00
301	Cook	John and Pamela	204-14-058	110.9	111	111				111	\$ 13,553.10	\$ 1,007,700	\$ 332,641	\$ 13,553.10		
24801	Arvidson	Cynthia	204-14-020	40	40	40	100	100	100	69	\$ 7,836.50	\$ 119,300	\$ 39,359	\$ 7,836.50		
24905	Berente	Katherine	204-14-021	40	40	40				40	\$ 4,884.00	\$ 136,700	\$ 45,111	\$ 4,884.00		
24810	Mayer	Sue and Jeff	204-14-040	40	40	40				40	\$ 4,884.00	\$ 215,400	\$ 71,082	\$ 4,884.00		
24811	Battelli	Lynda	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	\$ 58,664	\$ 7,570.20		
24911	Marconi	Robert and Lisa	204-14-024	60	60	60				60	\$ 9,768.00	\$ 394,700	\$ 126,551	\$ 9,768.00		
24919	Mengering	Bill and Anne	204-14-026	80	80	80	100	100	100	108	\$ 12,820.50	\$ 285,100	\$ 94,083	\$ 12,820.50		
24920	Lorton	Stephen	204-14-035	120	120	120	85	85	85	118	\$ 14,041.50	\$ 209,600	\$ 69,135	\$ 14,041.50		
25001	Bagnall	Suzanne	204-14-028	37.33	37.33	37.33	100	100	100	62.33	\$ 7,810.49	\$ 232,600	\$ 76,824	\$ 7,810.49		
25007	Nelson	Sue	204-14-029	74.7	74	74				74.7	\$ 9,120.87	\$ 290,100	\$ 95,733	\$ 9,120.87		
25015	Hass	Beverly	204-14-031	61.4	61.4	61.4				61.4	\$ 7,496.94	\$ 189,300	\$ 63,669	\$ 7,496.94		
25016	Coury	David	204-14-033	92.7	92	92				92.7	\$ 11,318.67	\$ 121,000	\$ 39,930	\$ 11,318.67		
25021	Kellerman	Jeffrey and Kristin	204-09-015	50.8	50.8	50.8				50.8	\$ 6,178.26	\$ 400,000	\$ 132,000	\$ 6,178.26		
25024	Coury	David	204-09-023	74	74	74				74	\$ 9,035.40	\$ 295,300	\$ 94,148	\$ 9,035.40		
25025	Vickers	F. Thomas	204-09-016	74.6	74	74				74.8	\$ 9,108.66	\$ 277,900	\$ 91,707	\$ 9,108.66		
25028	Kasik	Doris	204-09-022	58	58	58				58	\$ 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	56.24	\$ 7,110.80	\$ 17,500	\$ 5,775	\$ 7,110.80	Yes, cap at \$ 775	\$ 1,335.80
	Krebs	Martha	204-14-042	40	40	40				40	\$ 4,884.00	\$ 18,100	\$ 5,973	\$ 4,884.00		
	Krebs	Martha	204-14-041	40	40	40				40	\$ 4,884.00	\$ 18,100	\$ 5,973	\$ 4,884.00		
	Bnil	David	204-13-039	40	40	40				40	\$ 4,884.00	\$ 26,500	\$ 8,745	\$ 4,884.00		
	Bnil	David	204-14-038	40	40	40				40	\$ 4,884.00	\$ 26,700	\$ 8,811	\$ 4,884.00		
Totals				3108.4		3859	2201.46		2201.46	4438.90	\$ 642,117.90		\$ 4,112,328	\$ 437,766.10		\$ 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.

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.

Effective Date: 06-28-2002

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