

EMERGENCY

Legislative Resolution

JRS *AWB*

RESOLUTION NO. 53 - 2021

DECLARING the necessity of repairs to certain sidewalks, associated sidewalk spaces, curbs, and gutters in the Mount Washington neighborhood, and the necessity of assessing abutting properties to recover the cost of such repairs in accordance with Ohio Revised Code Chapter 729 and Cincinnati Municipal Code Chapter 721.

WHEREAS, Cincinnati Municipal Code Chapter 721 requires property owners to keep the sidewalks, associated sidewalk spaces, curbs, and gutters abutting their properties safe and in good repair; and

WHEREAS, Ohio Revised Code Chapter 729 further authorizes the City to order the repair of sidewalks, sidewalk areas, curbs, and gutters and to levy an assessment upon the owners of abutting lots and lands to recover the cost of the repairs when they are performed by the City; and

WHEREAS, property owners' failure to keep abutting sidewalks, associated sidewalk spaces, curbs, and gutters safe and in good repair poses threats to the integrity of public infrastructure and interferes with the public's safe use and enjoyment of sidewalks and adjacent areas; and

WHEREAS, through its sidewalk safety program, the City regularly identifies sidewalks, associated sidewalk spaces, curbs, and gutters in need of repair, notifies abutting property owners of their obligation to repair them, repairs them if the property owner fails to do, and assesses the cost of the repairs to the abutting property owner; and

WHEREAS, pursuant to Ohio Revised Code Section 729.02, the City Council hereby declares the necessity of repairing certain sidewalks, associated sidewalk spaces, curbs, and gutters in the Mt. Washington neighborhood; and

WHEREAS, the Council further declares the necessity of assessing abutting properties to recover the cost of such repairs when the owners of those properties fail to make repairs or pay the City's bill within thirty days of the date of service of this resolution; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That, pursuant to Ohio Revised Code Section 729.02, an estimated \$103,838.64 in repairs to sidewalks, associated sidewalk spaces, curbs, and gutters abutting

certain properties in the Mt. Washington neighborhood (“Necessary Sidewalk Repairs”) are hereby declared necessary for the public good and public safety.

Section 2. That, pursuant to Ohio Revised Code Section 729.02(A), the plans, specifications, and cost estimates corresponding to the Necessary Sidewalk Repairs are on file in the Clerk of Council’s office, which plans, specifications, and cost estimates are incorporated herein by reference and hereby approved (“Approved Plans”).

Section 3. That, pursuant to Ohio Revised Code Section 729.02(B), the lots and lands abutting the sidewalks, associated sidewalk spaces, curbs, and gutters whose repair is declared necessary by this resolution are described in the attached Exhibit A, incorporated herein by reference, and include properties fronting on the following streets: Rainbow Lane from Coffey Street to Corbly Street; Coffey Street from Rainbow Lane to its east terminus; Graf Drive from Rainbow Lane to Rainbow Lane; Findlater Court from Rainbow Lane to its north terminus; Rainbow Court from Rainbow Lane to its east terminus; Triesta Court from Rainbow Lane to its east terminus; and Hialea Court from Rainbow Lane to its east terminus.

Section 4. That, pursuant to Ohio Revised Code Section 729.02(C), the owners of the lots and lands abutting the sidewalks, associated sidewalk areas, curbs, and gutters to be repaired (“Abutting Property Owners”) shall cause the Necessary Sidewalk Repairs to be performed in accordance with the Approved Plans and applicable rules and regulations of the City’s Department of Transportation and Engineering.

Section 5. That, pursuant to Ohio Revised Code Section 729.02(D), the Abutting Property Owners shall cause the Necessary Sidewalk Repairs to be performed within thirty days from the date of service of this resolution.

Section 6. That, pursuant to Ohio Revised Code Section 729.02(E), in the event the Abutting Property Owners do not cause the Necessary Sidewalk Repairs to be performed within

the time allotted, the City will perform the Necessary Sidewalk Repairs and assess the cost thereof against the lots and lands abutting thereon.

Section 7. That the Clerk, or a person designated by the Clerk, shall cause the Abutting Property Owners to be served with notice of the passage of this resolution in accordance with Ohio Revised Code Section 729.03 and Article II, Section 6 of the City Charter. Service of the notice of the passage of this resolution shall also constitute a notice to repair pursuant to Cincinnati Municipal Code Section 721-149 and the notice shall contain the information required by Cincinnati Municipal Code Section 721-153.

Section 8. That, pursuant to Ohio Revised Code Section 729.07, upon completion of the Necessary Sidewalk Repairs, the total cost of the repairs performed by the City and a list of the estimated assessments to recover that cost shall be ascertained, placed on file with the Clerk, and made available for public inspection.

Section 9. That, pursuant to Ohio Revised Code Section 729.08, the Clerk, or a person designated by the Clerk, shall cause notice of the estimated assessments to be published for three consecutive weeks in a newspaper of general circulation, or as otherwise provided in Ohio Revised Code Section 7.16, which notice shall state that the list of estimated assessments has been made and is on file with the Clerk for inspection and examination.

Section 10. That, in addition, pursuant to Cincinnati Municipal Code 721-167, the Clerk, or a person designated by the Clerk, shall present each Abutting Property Owner who failed to perform the Necessary Sidewalk Repairs with a bill for the cost incurred by the City in performing those repairs. Each bill shall provide that the Abutting Property Owner may elect to pay the estimated assessment against his or her property in full or over a 3-, 5-, or 10-year period via an assessment levied against his or her property, which election must be communicated in a signed writing by the Abutting Property Owner to the Director of the City's Department of

Transportation and Engineering prior to the billing statement due date. Absent direction from an Abutting Property Owner, the City shall assess his or her property over a 3-year period. Interest shall be charged against all assessments not paid in full at the City-adopted rates in effect at the time Council levies each assessment. The 2021 rates are 3.16% for 3 years, 3.36% for 5 years, and 3.93% for 10 years.

Section 11. That, pursuant to Ohio Revised Code Section 729.09 and Cincinnati Municipal Code Section 721-169, for any Abutting Property Owner who fails to pay the City's bill within thirty days, the City shall, by subsequent ordinance, levy an assessment upon his or her property for the cost of the repairs, which assessment shall be collected by the County Treasurer in the same manner as real estate taxes are collected.

Section 12. That this legislative resolution shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to begin the process for performing the Necessary Sidewalk Repairs in the Mt. Washington neighborhood.

Passed: June 23, 2021

Attest: [Signature]
Clerk

[Signature]
Mayor