

# City of Cincinnati

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## An Ordinance No. 124 - 2022

**LEVYING** assessments to recover the unpaid costs of necessary sidewalk, sidewalk areas, curb, and gutter repairs incurred by the City of Cincinnati in the Mount Washington neighborhood in accordance with Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Chapter 729.

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

WHEREAS, Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Chapter 729 authorize the City to perform repairs to sidewalks, sidewalk areas, curbs, and gutters when abutting property owners fail to do so, to bill the abutting property owners for the resulting costs, and to levy assessments against the abutting properties if those costs go unpaid; and

WHEREAS, City inspectors documented the need for sidewalk repairs adjacent to each of the properties listed in the attached Exhibit A (the "Properties"); and

WHEREAS, the City Council passed Resolution 53-2021 declaring the need to perform the identified sidewalk repairs and further declaring the need to assess the abutting property owners for repair and administrative costs incurred by the City in making the repairs should the abutting property owners fail make the necessary repairs; and

WHEREAS, the abutting property owners were notified of the need to make the repairs and that they would be assessed for any costs incurred by the City in performing the repairs, and the Clerk of Council has not received any objections to the assessments after providing such notice; and

WHEREAS, the City made repairs to sidewalks, sidewalk areas, curbs, and gutters abutting the Properties after the abutting property owners failed to do so; and

WHEREAS, in accordance with Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Section 729-09, the Council hereby levies assessments on the Properties for which repair and administrative costs remain outstanding following the abutting property owners' failure to pay such amounts within thirty days of being billed, which assessments shall be certified to the Hamilton County Auditor and shall be collected in the same manner as real estate taxes; now, therefore,

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

Section 1. That the Council hereby assesses those properties identified on the attached Exhibit A (the "Assessed Properties"), incorporated herein by reference, for outstanding repair and

administrative costs incurred by the City in making repairs to the sidewalks, sidewalk areas, curbs, and gutters abutting the Assessed Properties.

Section 2. That each of the Assessed Properties is listed in Exhibit A together with the amount of the assessment, the length of the assessment period, and reference to the resolution earlier passed by Council giving notice of the City's intent to assess each property.

Section 3. That the assessments shall be payable in cash to the City Treasurer within thirty days after the passage of this ordinance or, at the option of each property owner, in semi-annual installments for the assessment period.

Section 4. That the assessments not paid in cash within thirty days are to be certified to the Hamilton County Auditor by the City Treasurer with interest at the rate of 4.04% for 3-year assessments, 4.37% for 5-year assessments, and 4.63% for 10-year assessments.

Section 5. That notes and bonds of the City of Cincinnati may be issued in anticipation of the collection of the assessments.

Section 6. That any amount received as a result of the assessments levied herein shall be deposited into the Sidewalk Special Assessment Fund No. 791.

Section 7. That a property owner's right under Section 721-159 of the Cincinnati Municipal Code to file a protest against an assessment shall expire 180 days following the date of the first tax bill containing a sidewalk assessment for the protested work.

Section 8. That the Clerk of Council is hereby directed to cause notice to be published once in a newspaper of general circulation within the City of Cincinnati, in accordance with Ohio Revised Code Section 729.10 and Article II, Section 6 of the Charter of the City of Cincinnati, which notice shall state the assessments have been made, that they are on file with the Clerk of

Council, and that they are available for public inspection and examination by any person interested therein.

Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 25, 2022

Attest: [Signature]  
Clerk

[Signature]  
VICE Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 126-2022  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 6-7-2022  
[Signature]  
CLERK OF COUNCIL