

EMERGENCY

City of Cincinnati

JRS/B

AWB

An Ordinance No. 352

- 2021

LEVYING assessments for unpaid costs incurred by the City in making emergency repairs to sidewalks, sidewalk areas, curbs, and gutters at various locations in the City through the City of Cincinnati's Sidewalk Safety Program, in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

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

WHEREAS, Cincinnati Municipal Code Section 721-165 authorizes the City to make emergency repairs to sidewalks, sidewalk areas, curbs, and gutters without prior notice to the abutting property owner when necessary to provide for public safety and also to bill the owner for the cost of the work; and

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

WHEREAS, the City performed the repairs after the owners of the Properties received written notice to make the repairs and failed to do so; and

WHEREAS, the City Council thereafter passed Resolution 35-2021 declaring the need for the emergency sidewalk repairs and the need to assess the Properties for repair and administrative costs incurred by the City in making the repairs; and

WHEREAS, the owners of the Properties have each agreed to have their respective properties assessed to reimburse the City for its costs, and the Clerk of Council has not received any objections to the assessments; and

WHEREAS, in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169, the Council hereby levies assessments on those Properties for which repair and administrative costs remain outstanding following the property owners' failure to pay such amounts within fifteen days of being billed, which assessments shall be certified to the 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 City Council hereby assesses those properties identified on the attached Exhibit A (the "Assessed Properties"), incorporated herein by reference, for outstanding

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

Section 2. That each of the Assessed Properties is listed in the attached Exhibit A together with the amount of the assessment and the length of the assessment period.

Section 3. That the assessments shall be payable in cash to the City Treasurer within fifteen 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 fifteen days are to be certified to the County Auditor by the City Treasurer with interest at the rate of 3.16% for 3-year assessments, 3.36% for 5-year assessments, and 3.93% 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.

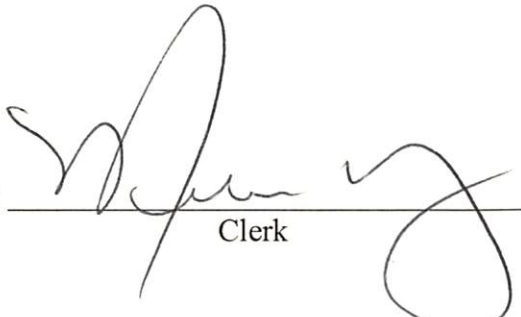
Section 7. That a property owner's right under Section 721-159 of the Cincinnati Municipal Code to file a protest against an assessment shall expire 180 days following the date of the first tax bill containing a sidewalk assessment for the protested work.

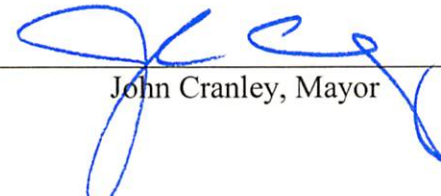
Section 8. That the Clerk of Council is hereby directed to cause notice to be published once in a newspaper of general circulation within the City of Cincinnati, which notice shall state that the assessments have been made, that they are on file with the Clerk of Council, and that they are available for public inspection and examination by persons interested therein.

Section 9. That this ordinance 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 levy the assessments to timely certify the assessments to the County Auditor so the assessments can be placed on the January 2022 tax bills.

Passed: September 9, 2021

Attest: 
Clerk


John Cranley, Mayor