

City of Cincinnati

JRS

AWB

An Ordinance No. 86

- 2021

TO LEVY special assessments to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, adjacent to certain lots located between 49 and 67 Mulberry Street on the southern side of the street in the Over-the-Rhine neighborhood in the City of Cincinnati, in accordance with Ohio Revised Code Section 727.25.

WHEREAS, 49 Mulberry Street through 67 Mulberry Street are properties in the Over-the-Rhine neighborhood situated along the north side of Peete Street, between Peete and Mulberry Streets, which collectively have been impacted by the failure of a downhill retaining wall; and

WHEREAS, pursuant to Ohio Revised Code (“ORC”) Section 727.06, the owners of these properties petitioned the City to construct a replacement retaining wall and to assess the costs of its construction to their properties; and

WHEREAS, the proposed retaining wall constitutes a public improvement whose costs may properly be assessed to adjacent owners under Chapter 727 of the Ohio Revised Code; and

WHEREAS, on April 10, 2019, pursuant to Ohio Revised Code Section 727.12, City Council adopted Resolution No. 23-2019 (“Resolution”) and declared the necessity of assessing the properties between 49 and 67 Mulberry Street for the construction of a retaining wall; and

WHEREAS, pursuant to the Resolution, the estimated assessments for the public improvements were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, pursuant to ORC Section 727.13, the affected property owners have been given notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, no objection to the proposed assessments have been received; and

WHEREAS, pursuant to ORC Section 727.23, by its passage of Ordinance No. 85 - 2021, Council has determined to proceed with the assessment to pay for the costs of the public improvements; and

WHEREAS, the actual costs for public improvements have been ascertained, and the apportionment of those costs among the properties are substantially similar to the estimated assessment amounts on file with the Clerk; and

WHEREAS, the Council hereby determines to levy the assessments to pay for the costs of the public improvements and to pay one-fiftieth (2%) of the total costs of the project pursuant to ORC Section 727.05; now, therefore,

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

Section 1. That that the City Council hereby assesses all properties located between 49 and 67 Mulberry Street on the southern side of the street in the Over-the-Rhine neighborhood to pay for the cost of constructing the public improvement described in Resolution No. 23-2019, namely a 243-foot retaining wall along Peete Street.

Section 2. That the assessment shall be calculated and apportioned based upon percentage of the retaining wall square footage that abuts each benefitted property.

Section 3. That the actual amounts of the assessments are set forth on Exhibit A, attached hereto and incorporated herein by reference, which amounts are hereby adopted and affirmed pursuant to Ohio Revised Code (“ORC”) Section 727.25.

Section 4. That, pursuant to ORC Section 727.05, the City will be responsible for one-fiftieth (2%) of the total costs of the public improvement.

Section 5. That the assessments levied by this ordinance shall be payable in cash to the Treasurer of the City of Cincinnati within 30 days after the passage of this ordinance or, at the option of each property owner, in annual installments as provided in Exhibit A at the annual rate of interest in the terms established by the City’s Director of Finance. Each property owner’s election shall be confirmed in a written communication provided to the City’s Director of Finance or other designated City official.

Section 6. That, upon the expiration of such 30-day period, the Clerk of Council or other appropriate City official shall certify any unpaid assessments to the Auditor of Hamilton County to be placed on the tax duplicate for collection at the time and in the same manner as property

taxes are collected. Upon certification, the assessments shall be paid based upon the annual installment option selected by the property owner and confirmed with writing and, if no selection is timely made and confirmed in writing, then the assessment shall be paid in twenty semi-annual installments, at the same time and in the same manner as real property taxes, commencing with the taxes that are due and payable in January 2022.

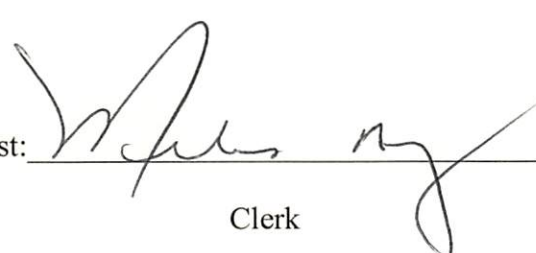
Section 7. That the City of Cincinnati shall not issue any notes or bonds in anticipation of the collection of the assessments.

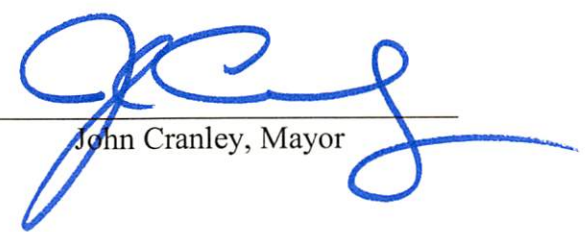
Section 8. That the appropriate City officials are authorized to add to the assessment an amount to cover the cost of collection, to accept the assessment funds, to deposit them into the appropriate account for the purpose of paying the costs and expenses of the public improvement concerned here, and to disburse them as required by law.

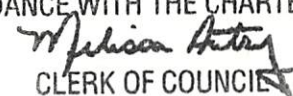
Section 9. That the Clerk of Council is hereby directed to cause notice of this ordinance to be published once in a newspaper of general circulation within the City of Cincinnati pursuant to ORC Section 727.26.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed March 17, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 86 2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 3-30 2021

CLERK OF COUNCIL