

EMERGENCY

City of Cincinnati

JRS

AWB

- 2021

An Ordinance No. 95

DETERMINING to proceed with the assessment of properties located on the southern side of the street between 49 and 67 Mulberry Street in the Over-the-Rhine neighborhood in the City of Cincinnati to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, pursuant to Ohio Revised Code Section 727.23.

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 has been received; and

WHEREAS, Council hereby determines to proceed with the assessment to pay for the costs of the retaining wall; now, therefore,

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

Section 1. That, pursuant to Ohio Revised Code ("ORC") Section 727.23, City Council hereby determines to proceed with the assessment of the properties set forth in Exhibit A hereto,

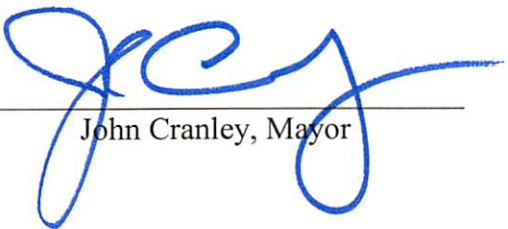
incorporated herein by reference, for the costs of the public improvement described in Resolution No. 23-2019.

Section 2. That City Council hereby adopts the assessments on file with the Clerk of Council in accordance with the Resolution, which assessments have been finally calculated and apportioned in the manner provided in Resolution No. 23-2019 and passed by Council on April 10, 2019.

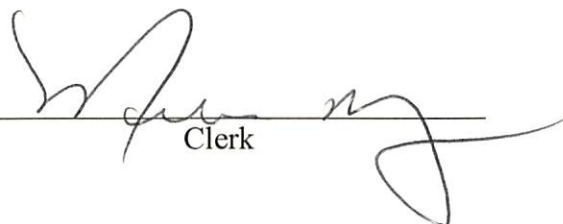
Section 3. That no claim for damages has been filed pursuant to ORC Section 727.18.

Section 4. 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 begin the process for levying the assessments for the amounts of the public improvement described in Resolution No. 23-2019.

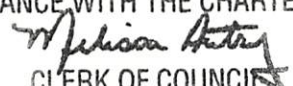
Passed: March 17, 2021



John Cranley, Mayor

Attest: 

Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 95-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 3-30-2021

CLERK OF COUNCIL