

EMERGENCY

Legislative Resolution

JRS *AWB*

RESOLUTION NO. _____ - 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: _____, 2021

Mayor

Attest: _____
Clerk

EXHIBIT A

2021 SSP RAINBOW SUB

Total Construction Cost: \$103,838.64

2021 SSP COFFEY ST	\$28,591.92
2021 SSP FINDLATER CT	\$7,730.40
2021 SSP GRAF DR	\$23,262.48
2021 SSP HIALEA CT	\$5,329.68
2021 SSP RAINBOW CT	\$7,662.24
2021 SSP RAINBOW LN	\$28,778.64
2021 SSP TRIESTA CT	\$2,483.28

Group Name: 2021 SSP COFFEY ST

	Location:	Parcel:	Construction Cost:
1	6504 COFFEY St	0001-0001-0077	\$551.04
2	6512 COFFEY St	0001-0001-0078	\$826.56
3	6516 COFFEY St	0001-0001-0086	\$344.40
4	6519 COFFEY St	0001-0001-0091	\$344.40
5	6520 COFFEY St	0001-0001-0085	\$344.40
6	6523 COFFEY St	0001-0001-0102	\$1,102.08
7	6527 COFFEY St	0001-0001-0101	\$826.56
8	6532 COFFEY St	0001-0001-0082	\$2,360.64
9	6535 COFFEY St	0001-0001-0097	\$1,377.60
10	6536 COFFEY St	0001-0001-0083	\$551.04
11	6539 COFFEY St	0001-0001-0098	\$2,636.16
12	6540 COFFEY St	0001-0001-0079	\$344.40
13	6543 COFFEY St	0001-0001-0099	\$688.80
14	6544 COFFEY St	0001-0001-0080	\$551.04
15	6547 COFFEY St	0001-0001-0100	\$1,102.08
16	6548 COFFEY St	0001-0001-0090	\$1,660.32
17	6552 COFFEY St	0001-0001-0188	\$344.40
18	6556 COFFEY St	0001-0001-0311	\$551.04
19	6557 COFFEY St	0001-0001-0187	\$1,107.84
20	6560 COFFEY St	0001-0001-0189	\$1,033.20
21	6563 COFFEY St	0001-0001-0186	\$275.52
22	6568 COFFEY St	0001-0001-0190	\$275.52
23	6575 COFFEY St	0001-0001-0183	\$826.56
24	6581 COFFEY St	0001-0001-0182	\$275.52
25	6601 COFFEY St	0001-0001-0181	\$692.40
26	6605 COFFEY St	0001-0001-0180	\$692.40
27	6610 COFFEY St	0001-0001-0162	\$2,356.32
28	6615 COFFEY St	0001-0001-0178	\$275.52
29	6619 COFFEY St	0001-0001-0177	\$688.80
30	6620 COFFEY St	0001-0001-0164	\$344.40
31	6627 COFFEY St	0001-0001-0175	\$688.80
32	6631 COFFEY St	0001-0001-0174	\$344.40
33	6632 COFFEY St	0001-0001-0167	\$348.00
34	6636 COFFEY St	0001-0001-0168	\$344.40
35	6639 COFFEY St	0001-0001-0172	\$688.80
36	6644 COFFEY St	0001-0001-0170	\$826.56

Group Name: 2021 SSP FINDLATER CT

	Location:	Parcel:	Construction Cost:
37	2404 FINDLATER Ct	0001-0001-0139	\$692.40
38	2405 FINDLATER Ct	0001-0001-0149	\$1,722.00
39	2408 FINDLATER Ct	0001-0001-0138	\$344.40
40	2412 FINDLATER Ct	0001-0001-0143	\$688.80
41	2413 FINDLATER Ct	0001-0001-0147	\$344.40
42	2416 FINDLATER Ct	0001-0001-0142	\$1,868.40
43	2417 FINDLATER Ct	0001-0001-0146	\$692.40
44	2420 FINDLATER Ct	0001-0001-0144	\$1,033.20
45	2424 FINDLATER Ct	0001-0001-0141	\$344.40

Group Name: 2021 SSP GRAF DR

	Location:	Parcel:	Construction Cost:
46	6504 GRAF Dr	0001-0001-0088	\$690.24
47	6511 GRAF Dr	0001-0001-0105	\$690.24
48	6512 GRAF Dr	0001-0001-0122	\$826.56
49	6515 GRAF Dr	0001-0001-0116	\$1,531.20
50	6516 GRAF Dr	0001-0001-0123	\$826.56
51	6519 GRAF Dr	0001-0001-0106	\$275.52
52	6520 GRAF Dr	0001-0001-0124	\$551.04
53	6523 GRAF Dr	0001-0001-0107	\$1,036.80
54	6524 GRAF Dr	0001-0001-0121	\$344.40
55	6528 GRAF Dr	0001-0001-0118	\$275.52
56	6532 GRAF Dr	0001-0001-0117	\$344.40
57	6536 GRAF Dr	0001-0001-0115	\$275.52
58	6539 GRAF Dr	0001-0001-0110	\$688.80
59	6540 GRAF Dr	0001-0001-0119	\$901.20
60	6547 GRAF Dr	0001-0001-0112	\$413.28
61	6548 GRAF Dr	0001-0001-0113	\$275.52
62	6552 GRAF Dr	0001-0001-0248	\$413.28
63	6555 GRAF Dr	0001-0001-0247	\$826.56
64	6560 GRAF Dr	0001-0001-0250	\$413.28
65	6561 GRAF Dr	0001-0001-0246	\$2,366.40
66	6564 GRAF Dr	0001-0001-0251	\$556.80
67	6565 GRAF Dr	0001-0001-0245	\$1,809.60
68	6569 GRAF Dr	0001-0001-0244	\$688.80
69	6572 GRAF Dr	0001-0001-0253	\$413.28
70	6576 GRAF Dr	0001-0001-0254	\$688.80
71	6581 GRAF Dr	0001-0001-0241	\$413.28
72	6584 GRAF Dr	0001-0001-0256	\$2,227.20
73	6590 GRAF Dr	0001-0001-0257	\$2,498.40

Group Name: 2021 SSP HIALEA CT

	Location:	Parcel:	Construction Cost:
74	6606 HIALEA Ct	0001-0001-0222	\$1,248.48
75	6607 HIALEA Ct	0001-0001-0232	\$1,239.84
76	6611 HIALEA Ct	0001-0001-0231	\$417.60
77	6615 HIALEA Ct	0001-0001-0230	\$344.40
78	6618 HIALEA Ct	0001-0001-0225	\$417.60
79	6619 HIALEA Ct	0001-0001-0229	\$835.20
80	6620 HIALEA Ct	0001-0001-0226	\$826.56

Group Name: 2021 SSP RAINBOW CT

	Location:	Parcel:	Construction Cost:
81	2415 RAINBOW Ct	0001-0001-0314	\$137.76
82	2423 RAINBOW Ct	0001-0001-0316	\$757.68
83	2430 RAINBOW Ct	0001-0001-0336	\$835.20
84	2431 RAINBOW Ct	0001-0001-0318	\$413.28
85	2435 RAINBOW Ct	0001-0001-0319	\$413.28
86	2436 RAINBOW Ct	0001-0001-0335	\$413.28
87	2439 RAINBOW Ct	0001-0001-0320	\$826.56
88	2444 RAINBOW Ct	0001-0001-0334	\$344.40
89	2447 RAINBOW Ct	0001-0001-0322	\$413.28
90	2452 RAINBOW Ct	0001-0001-0332	\$826.56
91	2455 RAINBOW Ct	0001-0001-0324	\$413.28
92	2456 RAINBOW Ct	0001-0001-0331	\$348.00
93	2459 RAINBOW Ct	0001-0001-0325	\$344.40
94	2463 RAINBOW Ct	0001-0001-0326	\$417.60
95	2464 RAINBOW Ct	0001-0001-0329	\$344.40
96	2468 RAINBOW Ct	0001-0001-0328	\$413.28

Group Name: 2021 SSP RAINBOW LN

	Location:	Parcel:	Construction Cost:
97	6450 RAINBOW Ln	0001-0001-0065	\$551.04
98	6458 RAINBOW Ln	0001-0001-0067	\$275.52
99	6461 RAINBOW Ln	0001-0001-0075	\$1,377.60
100	6466 RAINBOW Ln	0001-0001-0069	\$275.52
101	6470 RAINBOW Ln	0001-0001-0070	\$553.92
102	6481 RAINBOW Ln	0001-0001-0089	\$275.52
103	6482 RAINBOW Ln	0001-0001-0073	\$1,107.84
104	6485 RAINBOW Ln	0001-0001-0084	\$1,794.48
105	6486 RAINBOW Ln	0001-0001-0074	\$551.04
106	6500 RAINBOW Ln	0001-0001-0154	\$2,496.96
107	6504 RAINBOW Ln	0001-0001-0157	\$1,033.20
108	6508 RAINBOW Ln	0001-0001-0158	\$1,670.40
109	6511 RAINBOW Ln	0001-0001-0128	\$344.40
110	6516 RAINBOW Ln	0001-0001-0156	\$964.32
111	6520 RAINBOW Ln	0001-0001-0152	\$619.92
112	6523 RAINBOW Ln	0001-0001-0125	\$413.28
113	6524 RAINBOW Ln	0001-0001-0151	\$1,033.20
114	6528 RAINBOW Ln	0001-0001-0150	\$344.40
115	6535 RAINBOW Ln	0001-0001-0132	\$348.00
116	6542 RAINBOW Ln	0001-0001-0136	\$1,524.00
117	6543 RAINBOW Ln	0001-0001-0134	\$696.00
118	6546 RAINBOW Ln	0001-0001-0137	\$2,004.00
119	6547 RAINBOW Ln	0001-0001-0135	\$1,661.76
120	6557 RAINBOW Ln	0001-0001-0267	\$1,252.80
121	6563 RAINBOW Ln	0001-0001-0266	\$826.56
122	6577 RAINBOW Ln	0001-0001-0263	\$556.80
123	6589 RAINBOW Ln	0001-0001-0260	\$1,670.40
124	6598 RAINBOW Ln	0001-0001-0221	\$696.00
125	6600 RAINBOW Ln	0001-0001-0233	\$344.40
126	6601 RAINBOW Ln	0001-0001-0258	\$1,515.36

Group Name: 2021 SSP TRIESTA CT

	Location:	Parcel:	Construction Cost:
127	6601 TRIESTA Ct	0001-0001-0219	\$275.52
128	6606 TRIESTA Ct	0001-0001-0206	\$348.00
129	6610 TRIESTA Ct	0001-0001-0207	\$688.80
130	6628 TRIESTA Ct	0001-0001-0212	\$826.56
131	6629 TRIESTA Ct	0001-0001-0213	\$344.40