

ORDINANCE NO. 197-24

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved Anthony L. [Signature] Director of Law

PUBLICATION: I hereby certify that this Ordinance was published in a summary manner according to law in the Lima News on _____

Dana Addis, Clerk

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE 2023 COMBINED SIDEWALK PROJECT, PROJECT NO. 1-23, FOR CONSTRUCTION OF CERTAIN DESCRIBED SIDEWALKS IN ACCORDANCE WITH RESOLUTION 018-22, ADOPTED NOVEMBER 7, 2022.

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
JORDAN						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

PREAMBLE: The purpose and authority of and for this ordinance are set forth as follows:

WHEREAS, this Council has by Resolution 018-22 declared the necessity of constructing certain sidewalks and the City has subsequently constructed such sidewalks and otherwise complied with requirements of the City Code, Charter, or any applicable statutes for such assessment project, and Council pursuant to its authority under the City Charter now wishes to levy the necessary assessments for such construction work; and,

WHEREAS, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet project or administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. The assessment of the cost and expense of constructing sidewalks abutting on the lots and land hereinafter set forth in accordance with Resolution No. 018-22 adopted November 7, 2022 amounting in the aggregate to \$248,479.75 as heretofore reported to this Council, notice of the filing of which has been given as required by law, be and the same hereby is, adopted and confirmed and that there be and hereby are levied and assessed upon such lots and lands the several amounts reported as follows, which assessments and descriptions of such lots and lands are now

on file in the office of the Clerk of this Council and the assessments are not in excess of the special benefits nor in excess of any statutory limitation:

See attached Exhibit "A".

Section 2. The total assessment against each lot or parcel of land shall be payable on or before August 30, 2024, or, at the option of the owner, in five (5) annual installments, with interest at the same rate or rates as shall be borne by any notes or bonds heretofore issued or to be issued in anticipation of collection of the same. All cash payments shall be made to the Treasurer of this City. All assessments and installments thereof remaining unpaid after August 30, 2024, shall forthwith be certified by the Clerk of this Council to the County Auditor as provided by law, to be placed by the Auditor on the tax duplicate and collected as other taxes are collected.

Section 3. The Auditor is authorized to take any action and to account for the activity authorized herein, as is appropriate under the circumstances of this ordinance and in accordance with City policies and procedures, or as otherwise required by law, as the Auditor may determine is appropriate. The Law Director is authorized to: determine the correct business or corporate entity necessary for any contract authorized in this ordinance; determine the correct legal description for any real property at issue in this ordinance; correct any error in any exhibit to this ordinance; correct any clear scrivener error in this ordinance and to provide a clean copy for the council clerk; all as determined appropriate by the Law Director.

Section 4. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 5. In passing this ordinance Council hereby intends to and hereby expressly does invoke, assert, implement, and exercise the authority of the City under the Ohio Constitution, its Home Rule authority, and its Charter authority, to the fullest extent possible. To that end, Council hereby finds and declares that the subject matter of this ordinance is a matter of local concern only, and is thereby a matter of local self-government; or if this ordinance is determined to be an exercise of the City's police power that this ordinance is not in conflict with the general laws of the State. Therefore, it is the express intent of Council that the provisions of this ordinance shall prevail over any provisions of state law that might otherwise be applicable. This includes but is not limited to all administrative action regarding all advertising, bidding, contracting, procurement, purchasing, sales, disposition, or other manner or method which was followed or will be followed in dealing with the subject matter of this ordinance. Council hereby approves, authorizes, ratifies, and affirms all methods and procedures taken or followed (or to be taken or followed) leading to the award and execution of any contract, or purchase of goods or services, or any other action taken under authority of this ordinance or otherwise authorized herein, written or oral. Council expressly finds that the action authorized in this ordinance, and the procedures followed in carrying out the provisions or authorizations of this ordinance, including any leading to the award and execution or implementation of any contract, sale, or purchase, is authorized and passed under authority of

the City’s Charter, including but not limited to City Charter Sections 1 and 81, and its constitutional home rule authority, and is in the best interests of the City.

Section 6. The Clerk of the Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

Section 7. The Clerk of the Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within seven (7) days after its passage, and obtain a receipt therefor.

Section 8. In accordance with City Charter Section 33, this ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Jamie L. Dixon, President

Approved: _____, 2024

Sharetta T. Smith, Mayor

ATTEST: _____
Dana Addis, Clerk of Council

Exhibit "A"

Parcel Number	Address	Amount
36-3508-05-012.000	123 N. Nixon Ave.	\$ 1,440.58
36-3505-08-018.000	1576 W. High St.	\$ 3,855.41
36-3505-06-020.000	321 N. Nixon Ave.	\$ 675.66
36-3505-06-001.000	329 N. Nixon Ave.	\$ 2,639.46
36-3505-05-018.000	308 N. Nixon Ave.	\$ 4,726.67
36-3508-08-007.000	117-119 S. Woodlawn Ave.	\$ 4,483.84
36-3508-08-009.000	125 S. Woodlawn Ave.	\$ 1,660.69
36-3508-14-015.000	212 S. Woodlawn Ave.	\$ 831.77
36-3508-14-014.001	218 S. Woodlawn Ave.	\$ 425.88
36-3508-04-030.000	113 N. Woodlawn Ave.	\$ 4,750.08
36-3508-04-001.000	1501 W. High St.	\$ 15,202.41
36-3508-03-013.000	108 N. Woodlawn Ave.	\$ 1,477.01
36-3508-03-012.000	110 N. Woodlawn Ave.	\$ 2,666.04
36-3505-08-035.000	1500 W. High St.	\$ 1,776.22
36-3505-08-038.000	223 N. Woodlawn Ave.	\$ 3,785.34
36-3505-08-039.000	227 N. Woodlawn Ave.	\$ 3,722.27
36-3505-08-001.000	1501 Oakland Pkwy.	\$ 3,532.44
36-3505-09-011.000	220 N. Woodlawn Ave.	\$ 624.14
36-3505-09-008.000	228 N. Woodlawn Ave.	\$ 1,069.05
36-2612-15-001.000	629 N. Cole St.	\$ 1,097.15
36-2612-15-007.000	1255 Rice Ave.	\$ 1,159.60
36-2612-15-008.000	1259 Rice Ave.	\$ 792.74
36-2512-01-011.000	1214 Rice Ave.	\$ 1,108.94
36-2612-01-010.000	1218 Rice Ave.	\$ 427.96
36-2612-01-004.000	1227 Leland Ave.	\$ 4,065.81
36-2511-08-001.000	525 N. Collett St.	\$ 1,312.58
36-2511-08-004.000	915 Richie Ave.	\$ 1,899.54
36-2511-01-014.000	914 Richie Ave.	\$ 1,721.51
36-2511-01-013.000	918 Richie Ave.	\$ 773.63
36-2511-01-012.000	922 Richie Ave.	\$ 369.68

TOTAL \$ 74,074.05