

## EMERGENCY ORDINANCE NO. 2018-29

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, INSTALLING, EQUIPPING, AND IMPROVING PUBLIC IMPROVEMENTS AND DECLARING AN EMERGENCY.

WHEREAS, this Council previously adopted Emergency Resolution No. 51-2018 (the “Resolution of Necessity”) on August 28, 2018, which declared the necessity of acquiring, constructing, installing, equipping, and improving public roads, sewers, drains, water pipes, together with the facilities and appurtenances necessary and proper therefor, all as shown on the Plans and Specifications on file in the office of the Clerk of Council (the “Improvements”); and

WHEREAS, this Council previously adopted Ordinance No. 2018-28 (the “Ordinance to Proceed”) on October 23, 2018 and determined to proceed with the Improvements and adopted the estimated Special Assessments (as defined in the Resolution of Necessity filed with the Clerk of the Council and the Finance Director) pursuant to the Resolution of Necessity; and

WHEREAS, this Council previously adopted Emergency Ordinance No. 2018-20 (the “Original Ordinance Levying Assessments”) on August 28, 2018 to levy special assessments for the purpose of acquiring, constructing, installing, equipping, and improvement public improvements; and

WHEREAS, one hundred percent (100%) of the owners of the real property to be assessed have filed with the City an Amendment to Petition dated October 15, 2018 (the “Amendment”) to (1) identify the property to be assessed by metes and bounds and (2) exclude from the Special Assessments any Parcel or portion thereof that the Owners convey to the City in connection with the conveyance of the Improvements to the City; and

WHEREAS, as a result of the Amendment, it is now necessary to repeal and replace the Original Ordinance Levying Assessments with this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO:

SECTION 1. Emergency Ordinance No. 2018-20 is hereby repealed and replaced in its entirety with this Ordinance.

SECTION 2. Capitalized terms not otherwise defined in this Ordinance shall have the meaning assigned to each such term in the Petition attached as Appendix A to the Resolution of Necessity.

SECTION 3. The Special Assessments to be levied and assessed on the Parcels identified in Exhibit B hereto in an amount sufficient to pay the costs of the Improvements, which is \$2,500,000, including any interest and other costs, fees, and expenses associated with financing the Improvements or with the Special Assessments, including, without limitation, any costs of permanent improvements described in Section 133.15(B) of the Ohio Revised Code, is adopted and confirmed, and the Special Assessments are levied and assessed on the Parcels.

The Special Assessments are assessed against the Parcels commencing in tax year 2019 for collection in 2020 and shall continue through tax year 2038 for collection in 2039. The semi-annual installments of the Special Assessments shall be collected in each calendar year with respect to each Parcel in amounts equal to the installments shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the Finance Director to the County Auditor pursuant to Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected.

SECTION 4. The Special Assessments will be used by the City of Monroe to pay the costs of the Improvements described in the Plans and Specifications, including any interest and other costs, fees, and expenses associated with financing the Improvements or with the Special Assessments, including, without limitation, any costs of permanent improvements described in Section 133.15(B) of the Ohio Revised Code, and the Special Assessments are hereby appropriated for such purposes.

SECTION 5. The Finance Director is authorized and directed to keep the Special Assessments on file in the Office of the Finance Director.

SECTION 6. In accordance with Section 319.61 of the Ohio Revised Code, the Clerk of Council is authorized and directed to deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8. Pursuant to Section 7.08 of the Charter, this Ordinance provides for improvements petitioned for by the owners of the requisite majority of the area of the property benefited and to be especially assessed therefor. Accordingly, this Ordinance shall take effect immediately upon its passage.

PASSED: October 23, 2018

ATTEST:



Clerk of Council

APPROVED:



Mayor

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.

  
Clerk of Council  
City of Monroe, Ohio

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.

**EXHIBIT A**

**SCHEDULE OF SPECIAL ASSESSMENTS**

**Schedule of Special Assessments**

The following schedule of Special Assessment charges shall be certified for collection in 40 semiannual installments to be collected with property taxes in calendar years 2020 through 2039:

Special Assessment Payment Date*	Special Assessment Installment Amount**	Special Assessment Payment Date*	Special Assessment Installment Amount**
3/1/20	\$112,492.64	9/1/20	\$114,821.46
3/1/21	115,640.56	9/1/21	112,849.58
3/1/22	113,669.72	9/1/22	115,865.00
3/1/23	111,601.25	9/1/23	113,761.67
3/1/24	114,452.64	9/1/24	116,514.17
3/1/25	112,087.64	9/1/25	114,147.92
3/1/26	114,710.00	9/1/26	111,650.21
3/1/27	112,242.29	9/1/27	114,139.79
3/1/28	114,573.19	9/1/28	126,166.46
3/1/29	121,157.64	9/1/29	122,724.38
3/1/30	122,704.44	9/1/30	124,113.13
3/1/31	123,960.83	9/1/31	120,201.67
3/1/32	120,028.75	9/1/32	121,277.50
3/1/33	120,950.00	9/1/33	122,040.42
3/1/34	121,558.47	9/1/34	117,503.13
3/1/35	122,025.21	9/1/35	117,796.67
3/1/36	117,162.50	9/1/36	117,933.75
3/1/37	117,145.42	9/1/37	117,757.92
3/1/38	116,815.56	9/1/38	117,269.17
3/1/39	44,775.00	9/1/39	0.00

\* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the Auditor of Warren County, Ohio, Ohio under certain conditions.

\*\* Subject to reduction to equal the Annual Required Assessment, as set forth in the Cooperative Agreement.