

ORDINANCE NO.: 23-30  
INTRODUCED BY: Mr. Kelly

First Reading – March 20, 2023

**AN ORDINANCE**  
**LEVYING SPECIAL ASSESSMENTS FOR ACQUIRING,  
CONSTRUCTING, INSTALLING, EQUIPPING,  
IMPROVING, MAINTAINING AND REPAIRING  
IMPROVEMENTS NECESSARY FOR MAKING  
IMPROVEMENTS TO ABATE EROSION ALONG  
PROPERTIES WITHIN THE CITY INCLUDED WITHIN  
THE BAY VILLAGE SHORELINE SPECIAL  
IMPROVEMENT DISTRICT, TOGETHER WITH ALL  
NECESSARY APPURTENANCES THERETO, AND  
DECLARING AN EMERGENCY**

**WHEREAS**, property owners within the City petitioned Council to form a shoreline special improvement district to provide assistance in abating erosion along the shoreline of Lake Erie, and Council approved such petitions and joined in the formation of the Bay Village Shoreline Special Improvement District, Inc. (the “SID”); and

**WHEREAS**, property owners within the SID have submitted a special assessment improvement petition to this Council in accordance with the Improvement Plan implemented by the SID requesting that erosion abatement improvements proceed on their properties and that the City levy special assessments upon their properties for the costs of those erosion abatement improvements pursuant to Chapters 727 and 1710 of the Revised Code; and

**WHEREAS**, this Council has declared the necessity and determined to proceed with the improvements as petitioned pursuant to its resolution heretofore adopted (the “Resolution of Necessity and Determination to Proceed”);

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village, Cuyahoga County, Ohio, that:

**SECTION 1.** The special assessments for the cost and expense of acquiring, constructing, installing, equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion, together with all necessary appurtenances thereto (the “Improvements”) pursuant to the Resolution of Necessity and Determination to Proceed on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed on the lots and lands provided for in the Resolution of Necessity and Determination to Proceed in the respective amounts set forth in the schedule of special assessments on file, which may be amended by the SID prior to the City’s certification of same to the County Fiscal Officer, and which special assessments are in proportion to the special benefits, statutory limitations having been waived by the petitioning property owners. This Council finds and determines that the special assessments are in the same proportion to the estimated assessments as the actual cost of the Improvements is to the estimated cost of the Improvements as originally filed and upon which the estimated assessments were based.

**SECTION 2.** The special assessments shall be payable in cash prior to their certification to the County Fiscal Officer at the option of the owner, or shall be paid in 15 annual (30 semiannual) installments, with interest on the unpaid balance of each special assessment at the same rate as shall be borne by the bonds to be issued on behalf of the City and the SID, with such issuance hereby requested by the City by and through such issuing authority as determined by the SID, in anticipation of the collection of the unpaid special assessments. All cash payments shall be made to or at the direction of the Director of Finance of the City. All special assessments remaining unpaid at the expiration of the cash payment period shall be certified by or at the direction of the Clerk of Council to the County Fiscal Officer as provided by law to be placed on the tax duplicate and collected as taxes are collected.

**SECTION 3.** The Clerk of Council shall deliver a certified copy of this Ordinance to the County Fiscal Officer within 20 days after its passage.

**SECTION 4.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

**SECTION 5.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City; and for the further reason that it is urgently necessary to fund the shoreline erosion control projects at the earliest possible date; therefore, provided that it receives the affirmative vote of two-thirds of the members of Council, this Ordinance shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

PASSED: March 20, 2023

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

APPROVED: March 20, 2023

  
ACTING MAYOR

I, Joan T. Kemper, Clerk of the Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 23-30 adopted by the Council of the Resolution No. \_\_\_\_\_ City of Bay Village March 20, 2023, and now on file in the office of the Clerk of Council.

  
Clerk of Council