

ORDINANCE NO. 97-23

AN ORDINANCE TO CANCEL THE SPECIAL ASSESSMENTS THAT WERE INCORRECTLY APPLIED TO THE TAX DUPLICATES ON TWO PARCELS OF LAND ABUTTING THE FRENCH CREEK ROAD SANITARY SEWER PROJECT, (PPN #04-00-010-113-039 AND #04-00-010-113-037), AND TO ISSUE A REFUND FOR THE AMOUNTS THAT HAVE BEEN PAID AND DECLARING AN EMERGENCY

WHEREAS, Council passed Resolution No. R-8-19 on April 8, 2019 which declared it necessary to improve French Creek Road by, among other things, the construction of sanitary sewers; and

WHEREAS, a portion of the cost of said improvements would be assessed against lots fronting between 38151 and 37556 French Creek Road; and

WHEREAS, after completion of the project and pursuant to Ordinance No. 17-21 which passed on June 22, 2021, the Property Owners were given 90 days after the passage of the Ordinance to pay their assessment in full or the assessment would be placed upon their property for the next twenty (20) years to be collected with their property taxes; and

WHEREAS, Robert C. Malone, Jr. & N.I. Badillo, (PPN #04-00-010-113-039) and Gary A. Scheck, (PPN #04-00-010-113-037) paid their assessment in full within the 90-day grace period; and

WHEREAS, the City was not aware that these parties had prepaid their assessments so their names were placed on the assessment list provided to the Lorain County Auditor's Office after passage of Ord. 17-21; and

WHEREAS, it has recently come to light that these property owners were improperly assessed by the County for the past two years, paying the additional assessment and fees in their property taxes; and

WHEREAS, the Director of Finance now requests that refunds be issued to these owners to reimburse them for their payments and to cancel the special assessments with the County to avoid additional assessments and fees being levied against them in the future; and

WHEREAS, Council finds the recommendation of the Finance Director to be reasonable and the refund of the overpayment and cancellation of the special assessments to be in the best interests of the health, safety and welfare of the citizens of Avon.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Avon, Lorain County, Ohio:

Section 1 – That after having prepaid their assessments in full within the 90-day grace period as set forth in Ordinance No. 17-21, Robert C. Malone, Jr. & N.I. Badillo, (PPN #04-00-010-113-039) and Gary A. Scheck, (PPN #04-00-010-113-037), both of whom were

inadvertently placed on the assessment list provided to the Lorain County Auditor's Office to be assessed annually for the assessments, are hereby entitled to full refunds of the amounts paid.

Section 2 – That Council hereby authorizes the Finance Director to issue refunds to the parties listed in Section 1, and to cancel the special assessments with the County to avoid additional assessments levied against them in the future for this project.

Section 3 – That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the City of Avon, the immediate emergency being the necessity of refunding the overpayment of the assessments and fees to Robert C. Malone, Jr. & N.I. Badillo, (PPN #04-00-010-113-039) and Gary A. Scheck, (PPN #04-00-010-113-037) and to cancel their special assessments with the County to avoid additional assessments levied against them in the future; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director