

ORDINANCE NO: 2021.034

AN ORDINANCE AUTHORIZING THE RELEASE OF SPECIAL ASSESSMENTS FOR CLINTON COUNTY LAND REUTILIZATION CORPORATION OWNED PROPERTIES.

WHEREAS, Ohio Revised Code 727.01, provides “[e]ach municipal corporation shall have special power to levy and collect special assessments. The legislative authority of a municipal corporation may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, any part of the cost connected with the improvement of any street, alley, dock, wharf, pier, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation available for the purpose of the improvement to be made in it by grading, draining, curbing, paving, repaving, repairing, treating the surface with substances designed to lay the dust on it or preserve it, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor, drains, storm-water retention basins, watercourses, water mains, or laying of water pipe, or the lighting, sprinkling, sweeping, or cleaning thereof;” et. al,

WHEREAS, Under R.C. Chapter 727, municipalities have the power to levy and collect special assessments for the costs of improvements that specially benefit property. See, e.g., R.C. 727.01. Special assessments are typically considered to be different from general taxes because they cannot be levied on property without notice to the owner and cannot exceed the special benefit.” Hammond v. Winder (1919), 100 Ohio St. 433, 444–445, 126 N.E. 40; and

WHEREAS, the Village has provided a special assessment for [sewer, water, lighting]; and,

WHEREAS, the Village Council finds both the Clinton County Land Reutilization Corporation is a public entity organized under the laws of the State of Ohio and serves a public purpose to eliminate blighted and abandoned properties in Clinton County; and,

WHEREAS, the Village Council finds is necessary and appropriate to reaffirm its commitment to the continued success of the Clinton County Land Reutilization Corporation by authorizing the release, abatement, and discharge of all special assessments for [sewer, water, light] accruing before or after the acquisition by the Clinton County Land Reutilization, until transferred to any other entity, unless and until further action of the Council.

NOW THEREFORE, be it hereby **ORDAINED**, the following:

Section 1. The Council finds that the Clinton County Land Reutilization Corporation is organized under the laws of the State of Ohio which have previously, and will in the future will continue, to provide important services to the citizenry of the Village of Blanchester and each constitute municipal and/or public purposes.

Section 2. The Council the authorizes the Village of Blanchester to release, abate, and discharge of all special assessments for [sewer, water, light] accruing before or after the acquisition by the Clinton County Land Reutilization, until transferred to any other entity unless and until further action of the Council.

Section 3. The Council releases and relinquishes all special assessments for [sewer, water, light] accruing before or after the acquisition by the Clinton County Land Reutilization, until transferred to any other entity .

Section 4. This Ordinance is declared to be and is passed as an emergency measure, necessary for the immediate preservation of peace health, safety and welfare of the Village, and shall take effect immediately.

Mr. Hopkins moved and Mr. Gephart seconded.

A roll being called, the members voted as follows:

Mr. Bauer	Yea
Mr. Brumbaugh	Yea
Mr. Gephart	Yea
Mr. Hollon	Absent
Mr. Hopkins	Yea
Mr. Simpson	Yea

Adopted this 23rd day of September, 2021.

VILLAGE OF BLANCHESTER, OHIO

By: John M. Carman
John Carman, Mayor

ATTEST:

Tamara S. May
Tamara S. May, Fiscal Officer

Fiscal Officer's Certificate:

The State of Ohio, County of Clinton, ss:

I, Tamara S. May, Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Resolution is taken and copied from the original Resolution now on file with said Village, that the foregoing Resolution has been compared by me with the said original and that the same is a true and correct copy thereof, and has been posted as required by law. This Resolution has been duly published by posting in the following places: Blanchester Municipal Building, 318 E. Main St.; First National Bank, 121 E. Main St.; Blanchester Post Office, 115 S. Wright St.; Tom's Express Mart, 7529 Fairground Rd.; and at the Blanchester Public Library, 110 N. Broadway St., each for a period of fifteen (15) days commencing on the 24th day of September, 2021.

Witness my signature this 23rd day of September, 2021.

Tamara S. May
Fiscal Officer of the Village of Blanchester, Clinton County, Ohio

VILLAGE OF BLANCHESTER

FISCAL OFFICER

TAMARA S. MAY

OFFICIAL SEAL