



## Legislation Text

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**File #: 1450-2008, Version: 1**

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1. BACKGROUND:

This legislation authorizes the City to levy a special assessment upon the lots and lands benefited by the sanitary sewer service improvements constructed by the Hilock/Lewis Sanitary Assessment Project. The sanitary improvements include properties in the area along Hilock Road from private Avenue B to east of Avenue T, including private Avenues B, C, E, F, R, S, and T. The construction has been completed and the sewer will be available for connection by the property owners. Upon passage of this ordinance, each property owner will receive notification of his or her assessment. They will have 30 days to pay the assessment in full, or to automatically have it billed through their property tax bills for a period of 10 years. The final assessment amounts are less than were previously estimated.

This legislation is required under Section 181 of the City Charter in order to assess the total applicable project expenses to the benefiting property owners.

2. EMERGENCY DESIGNATION:

The Division is requesting that this ordinance to be considered an emergency in order to fulfill the strict notification required of the assessment process, prior to the expiration of the special assessment anticipation notes on December 4, 2008.

To authorize the Director of Public Utilities to levy a special assessment upon the lots and lands benefited by the Hilock/Lewis Sanitary Assessment Project, in accordance with the assessment procedures set forth by the Columbus City Charter, and to declare an emergency.

**WHEREAS**, the City received a valid petition requesting sanitary sewer service improvements to the Hilock/Lewis Sanitary Assessment Project; and

**WHEREAS**, Resolution 0140X-1995, as adopted July 31, 1995, by Columbus City Council declared a necessity to construct sanitary sewer improvements to the Hilock/Lewis Sanitary Assessment Project; respectfully approved the estimated assessment of the cost and expense of the improvements; and declared it necessary for the for the Director of Public Utilities to cause the preparation of plans and specifications required for the construction of said improvements under an assessment procedure; and

**WHEREAS**, a Board of Revision was convened for purposes of hearing objections to the aforementioned assessment project, as appointed and acting in pursuance to Resolution 0194X-2002, as adopted November 4, 2002, whereupon the Board of Revision respectfully approved the estimated assessment of the cost and expense of the sanitary sewer improvements known as the Hilock/Lewis Sanitary Assessment Project; and

**WHEREAS**, Ordinance No. 1010-2003, passed June 16, 2003, declared Columbus City Council's determination to proceed with the subject sanitary sewer assessment improvements project; and

**WHEREAS**, Ordinance No. 0501-2007, passed April 2, 2007 provided for the issuance and sale of a Special Assessment Bond Anticipated Note, in the principal amount of \$500,000.00, for the purpose of providing funds to pay the Property Owners portion of costs of constructing sanitary sewers in the Hilock/Lewis Sanitary Assessment Project, and other costs incidental thereto; and

**WHEREAS**, the Director of Public Utilities did in fact enter into a contract for the construction of the Hilock/Lewis Sanitary Assessment Project with Darby Creek Excavating, Inc., as authorized by Ordinance No. 0834-2007, passed June 11, 2007, to which the construction of the sanitary sewer has been completed, and the approximate costs associated with the construction has been tabulated; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, in that it is immediately

necessary for this City Council to authorize the transfer, appropriation, and expenditure of funds required for the City's share of the Hilock/Lewis Sanitary Assessment Project; and to levy an assessment upon the lands and lots serviced by the Hilock/Lewis Sanitary Assessment Project, in an effort to fulfill the strict notification requirements of the assessment process, prior to the expiration of the special assessment anticipation notes, in accordance with Section 178 of the Columbus City Charter; for the immediate preservation of the public health, peace, property, and safety; **Now, therefore;**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the assessment of the construction cost and interest expense associated with the Hilock/Lewis Sanitary Assessment Project, shall be levied upon the lands and lots assessed in accordance with Ordinance No. 1010-2003, passed June 16, 2003, in the City of Columbus, Franklin County, Ohio.

**Section 2.** That the Director of Public Utilities be and is hereby authorized and directed to levy an assessment for the cost and expense of installing Sewer lines in conjunction with the Hilock/Lewis Sanitary Assessment Project, in accordance with Ordinance Number 0834-2007, passed June 11, 2007, in the City of Columbus, Franklin County, Ohio as prepared by the Division of Sewerage and Drainage and the same is hereby confirmed and that there be and hereby levied and assessed upon the lots and lands hereinafter set forth, the several amounts as therein set forth, it being hereby determined and declared that each said lots and lands is specially benefited by said improvements and in an amount equal to said improvement.

Total amount of Construction Contract	\$ 708,395.87
Inspection and Prevailing Wage Costs	<u>\$ 120,963.17</u>
Sum of Construction and Inspection/Prevailing Wage Costs	\$ 829,359.04
4.75% Interest on \$500,000 for 20 months	<u>\$ 39,583.33</u>
Total Cost	\$ 868,942.37
Less Fixed Assessment Portion	<u>(\$ 388,097.35)</u>
Estimate City Portion	\$ 480,845.02

Refer to attachment ORD1450-2008 Assessment Roll.xls for individual costs to each property owner.

**Section 3.** That the total assessment shall be payable at the office of the City Treasurer of Columbus, Franklin County, Ohio, within thirty days from the effective date of this Ordinance or, at the option of the owner, in twenty semi-annual installments with interest upon deferred payment at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the same at the Office of the County Treasurer of Franklin County, Ohio, after the same have been certified to the County Auditor of Franklin County, Ohio for collection in the manner provided by law.

**Section 4.** That the final following assessments to be levied have been prepared by the Division of Sewerage and Drainage, Sewer System Engineering Staff, based upon the equal benefits derived upon the total number of parcels being served by the improvement, and as such the final calculated cost of the improvements is \$59.15 per assessable front footage, and the same is hereby confirmed and that there be and hereby are levied and assessed upon the lots and lands hereinafter set forth, the several amounts as therein set forth, it being hereby determined and declared that each of said lots and lands is specifically benefited by said assessment and in an amount equal to said improvement:

**Section 5.** The City's portion of the assessable project costs are currently estimated to be in the amount not to exceed \$480,845.02, and that said cost is based upon the costs of intersection crossings, manhole structures, clearing, miscellaneous construction items, inspection, project financing costs; and unserved private property.

**Section 6.** That the said assessment, and all portions thereof, when collected, shall be paid into the Sinking Fund and shall be applied to the payment of the bonds issued for said improvement and the interest thereon, as the same shall become due and to no other purpose whatsoever.

**Section 7.** That the City Auditor is hereby authorized to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

**Section 8.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**Section 9.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

**Section 10.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after its passage if the mayor neither approves nor vetoes the same.