

ORDINANCE NO. 2019-53
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE DECLARING THE NECESSITY OF CONTROLLING THE BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS-OF-WAY AND ON PUBLIC PROPERTY AND PROVIDING FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS OF THE CITY OF LYNDHURST; ESTABLISHING A SINGLE DISTRICT FOR THAT PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011 OF THE OHIO REVISED CODE; PROVIDING FOR THE ASSESSMENT OF THE COST OF THOSE SERVICES AND DECLARING AN EMERGENCY

WHEREAS, the Service Department of the Lyndhurst has recommended to the Mayor and Council a program for controlling the blight and disease of shade trees within public rights-of-way and on public property, and providing for planting, maintaining, trimming and removing of shade trees in and along the streets of the City and on public property during tax years 2020, 2021 and 2022 in accordance with plans, estimates and schedules therefore, heretofore prepared and now on file in the office of the Clerk of Council. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, OHIO THAT:

SECTION 1. It is hereby declared necessary to control the blight and disease of shade trees within public rights-of-way and on public property and to provide for planting, maintaining, trimming and removing shade trees in and along the streets of the City and on public property during tax years 2020, 2021 and 2022. The services to be provided by the City for that control, planting, maintenance, trimming and removal are referred to collectively in this Ordinance as the "Services". For purposes of providing the Services and assessing their cost, there is hereby created and established a single district known as the "City of Lyndhurst Forest District" which district shall include all territory within the boundaries of and be co-extensive with the City of Lyndhurst, pursuant to the provisions of Section 727.011 of the Ohio Revised Code.

SECTION 2. The plans, specifications, estimate of cost and schedules for the Services, prepared by the Service Department, and on file and available for public inspection in the office of the Clerk of Council, are hereby approved. The Service Department is authorized and directed to purchase or rent the necessary tools, machinery and appliances, and to purchase the necessary materials and employ the necessary labor, to carry out the provision of the Services in accordance with the plans, specifications and schedules.

SECTION 3. The Council finds and determines that (i) the Services are conducive to the public health, convenience and welfare of the City and the residents thereof and (ii) the lots to be assessed for the Services are specially benefited by the Services.

SECTION 4. The entire cost of the Services shall be assessed by a charge of Twenty Five Dollars (\$25.00) per lot per year upon all individual permanent parcel numbers within the City of Lyndhurst Forestry District.

SECTION 5. The cost of the Services shall include the costs of preliminary and other surveys, plans, specifications, profiles, estimates and schedules and of printing, serving, and publishing notices and ordinances, the costs incurred in connection with the preparation, levy and collection of the special assessments, expenses of legal services including obtaining approving legal opinions, costs of labor and material, and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

SECTION 6. The Director of Finance is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the Services. Those estimated special assessments shall be based upon the estimate of cost of the Services now on file and shall be prepared pursuant to the provisions of this Ordinance. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the passage of this Ordinance and the filing of the estimated special assessments to be given by publishing a notice in a newspaper of general circulation in the City once a week for two consecutive weeks.

SECTION 7. The special assessments so levied shall be paid in two annual installments (two semi-annual installments each year) with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by any bonds or notes to be issued in anticipation of the collection of the total of the unpaid assessments.

SECTION 8. To provide a fund out of which shall be paid the entire cost of the Services bonds or notes of the City may be issued and sold as needed in anticipation of the levy and collection of the special assessments.

SECTION 9. The Clerk of Council shall deliver a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer within fifteen (15) days after its adoption.

SECTION 10. That the Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 11. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that it must be immediately effective to authorize preparation of the program to combat blight and disease of shade trees. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

PASSED: August 5, 2019

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on August 15, 2019 and August 22, 2019.

Clerk of Council

First Reading: August 5, 2019

Second Reading: Suspended

Third Reading: Suspended