

1st reading _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

ORDINANCE NO. 2017-13

**AN ORDINANCE
AMENDING THE FEES FOR CONNECTING WITH
CERTAIN WATER MAINS LOCATED IN THE RIGHTS OF
WAY OF LANDER AND STERNCREST ROADS IN ORANGE
VILLAGE, AND AUTHORIZING CONNECTIONS UPON THE
PAYMENT OF SUCH FEES.**

WHEREAS, in 1994, as a part of the Orange Village Hall construction project, a water line was installed which was accessible to certain properties with frontage on Sterncrest and Lander Roads; and

WHEREAS, in 1997, pursuant to Ordinance No.1997-47, a copy of which is appended hereto, the Orange Village Council authorized the properties that could access the waterline to tap into the waterline upon the payment of a tap-in fee; and

WHEREAS, in 1998 Council enacted Ordinance No. 1998-6, a copy of which is appended hereto, which ordinance established a rate of interest for tap-in fees that were paid after April 15, 1998, and required properties to pay the fee and tap-in on or before April 15, 2008; and

WHEREAS, certain properties did not connect to the waterlines on or before April 15, 2008, and the Council has been asked to establish a new tap-in fee and to authorize the connection of such properties upon the payment of the new fee; and

WHEREAS, the Village has previously capped the interest for tap-in fees on other water lines at two times the original tap-in fee; and

WHEREAS, the Mayor has recommended that Council levy a new tap-in fee for connection to the Sterncrest and Lander waterline, which was originally the subject of Ordinance No. 1997-47, at two times the amount of the initial tap-in fee of six thousand four hundred two dollars and thirty eight cents (\$6,402.38), for a new tap-in fee of twelve thousand eight hundred four dollars and seventy six cents (\$12,804.76); and

WHEREAS, this Council finds and determines that a cap of two times the initial Sterncrest/Lander tap-in fee is an equitable fee, and consistent with the fee paid on tap-in fees in other parts of the Village; and

WHEREAS, the Village Engineer has opined, and this Council finds and determines, that there is no engineering or other reason to prohibit properties which are not connected to the Sterncrest/Lander waterline from connecting to the waterline.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, COUNTY OF CUYAHOGA, STATE OF OHIO:

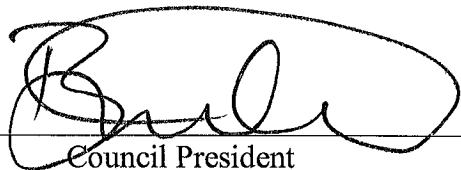
SECTION 1. That a tap-in fee of twelve thousand eight hundred four dollars and seventy six cents (\$12,804.76) is hereby found and determined to be a fair and equitable fee for property owners of properties on Sterncrest and Lander Roads, that were the subject of Ordinance No. 1997-47 and Ordinance No. 1998-6, to pay to the Village for their pro rata share of the waterline.

SECTION 2. That no building permit shall be issued for the construction of a waterline to serve a property upon which the tap-in fee is levied by this ordinance until such fee has been paid to the Village.

SECTION 3. That it is hereby found and determined that each and every formal action of this Council concerning and relating to the adoption of this ordinance was taken in any open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in each such formal action, were conducted in meetings open to the public and in compliance with all legal requirements, including Chapter 105 of the Orange Village Codified Ordinances.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 10, 2017


Council President

Submitted to the Mayor for approval on this 10th day of May, 2017

Approved by the Mayor this 10th day of May, 2017

ATTEST:


Clerk of Council


Mayor