

1st reading _____
2nd reading 5-8-19
3rd reading _____
Voted On 5-8-19
Ayes: 6 Nays: _____
PASSED DEFEATED _____

ORDINANCE NO. 2019-15

AN ORDINANCE AMENDING SUBSECTION (a) 913.04, TAP-IN FEES FOR MILES ROAD SANITARY SEWER-PHASE I, OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE, AND RATIFYING TAP- IN FEES THAT HAVE BEEN PAID IN ACCORDANCE WITH ORDINANCE NO. 1993-12.

WHEREAS, in 1993 Council enacted Ordinance No. 1993-12, which established the tap-in fee for the Miles Road Sanitary Sewer Phase I, the terms of which have been codified at Section 913.04 of the Codified Ordinances of Orange Village; and

WHEREAS, Ordinance No. 1993-12 defined “Equivalent Unit” as: “[T]he amount in dollars as of the date of calculation and payment, or provision for payment, of the tap-in fee as such amount is set forth in Schedule A attached to and incorporated into (Ordinance No. 1993-12)”; and

WHEREAS, Ordinance No. 1993-12 defined “Pump Station Unit” as: “[T]he amount in dollars as of the date of calculation and payment, or provision for payment, of the tap-in fee as such amount is set forth in Schedule B attached to and incorporated into (Ordinance No. 1993-12)”; and

WHEREAS, “Schedule A” and “Schedule B” appended to Ordinance 1993-12 only provided calculations through August 1, 2012, which was the last semi-annual period before the maturity date of Cuyahoga County’s \$2,360,000 General Obligation Sewer Bonds, dated April 1, 1992 (“Sewer Bonds”); and

WHEREAS, the Village has paid more for its portion of the Sewer Bonds than it has received in Tap-in Fees; and

WHEREAS, additional properties continue to tap-into the Miles Road Sewer Phase I improvement and are obligated to pay a tap-in fee in accordance with the requirements of Section 913.04 of the Orange Village Codified Ordinances; and

WHEREAS, Council desires to amend subsection (a) of Section 913.04, Tap-In Fees for Miles Road Sanitary Sewer - Phase I, to expressly incorporate the rate of interest that was implicit in Ordinance No. 1993-12 so that the Equivalent Unit and the Pump Station Unit of a tap-in fee may be calculated without the use of a schedule.

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

SECTION 1. That existing subsection (a) of Section 913.04, Tap-In Fees for Miles Road Sanitary Sewer - Phase I, of Chapter 913 Sewers, of the Codified Ordinances is amended to read as follows:

“913.04 TAP-IN FEES FOR MILES ROAD SANITARY SEWER - PHASE I.

(a) As used in this section, the following terms shall have the following meanings:

(1) “Equivalent Unit” means the amount in dollars as of the date of calculation and payment, or provision for payment, of the tap-in fee as such amount is ~~set forth in Schedule A attached to and incorporated into this section.~~ **calculated based upon a formula equal to a per Equivalent Unit cost of \$4,891.53, plus accrued interest at the rate of 2.866% calculated semi-annually effective April 2 and October 2 of each year commencing from 1993 to the date of payment.**

(2) “Miles Road Sanitary Sewer-Phase I” means that certain sanitary sewer constructed pursuant to the order of the Common Pleas Court of Cuyahoga County, Ohio in Case No. 887179, Miles Land Company v. Orange Village et al. (the “Miles Case”), that runs (i) westerly along the southerly side of Miles Road beginning approximately 28 feet west of the center line of Harper Road to the western boundary of Orange Village and (ii) northerly along the westerly side of Brainard Road beginning at the southerly side of Miles Road (where it intersects with that sanitary sewer described in the immediately preceding phrase (i)) and extending northerly along Brainard Road for a distance of approximately 1,500 feet north of the center line of Miles Road.

(3) “Pump Station Unit” means the amount in dollars as of the date of calculation and payment, or provision for payment, of the tap-in fee as such amount is ~~set forth in Schedule B attached to and incorporated into this section.~~ **calculated based upon a formula equal to a per Pump Station Unit cost of \$1,520.00, plus accrued interest at the rate of 2.866% calculated semi-annually effective April 2 and October 2 of each year commencing from 1993 to the date of payment.**

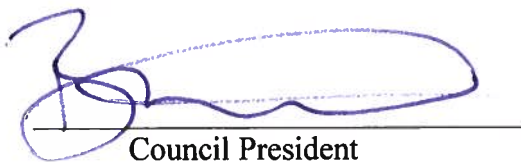
***”

SECTION 2. That existing subsection (a) Section 913.04, Tap-In Fees for Miles Road Sanitary Sewer - Phase I of Chapter 913 Sewers, of the Codified Ordinances of Orange Village and any ordinance or any part of any ordinance in conflict with this Ordinance are repealed to the extent of the conflict.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation 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 action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

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

PASSED: May 8, 2019

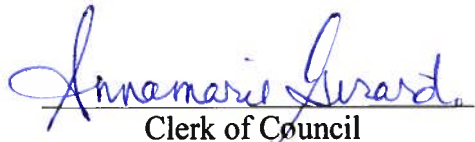


Council President

Submitted to the Mayor for approval on this 8th day of May, 2019

Approved by the Mayor this 2nd day of May, 2019

ATTEST:



Clerk of Council



Mayor