

1st reading 6-1-22
2nd reading 6-8-22
3rd reading 7-6-22
Voted On 7-6-22
Ayes: 6 Nays: 0
PASSED ☒ DEFEATED ☐

ORDINANCE NO. 2022-12

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING, INSTALLING, EQUIPPING, OPERATING, AND MAINTAINING A RECREATIONAL TRAIL WITHIN THE VILLAGE

WHEREAS, this Council of Orange Village, Ohio ("Orange Village") duly adopted Resolution No. 2018-1 on March 14, 2018 (the "Resolution of Necessity") and declared the necessity of acquiring, constructing, installing, equipping, and improving a recreational trail within Orange Village (the "Infrastructure Improvements"), as described in the Resolution of Necessity, and accepted a petition dated May 6, 2016 (the "Petition") by owners of the parcels identified as Cuyahoga County Fiscal Officer Parcel Nos. 901-01-054; 901-01-028; 901-01-029; 901-01-068; 901-02-047; 901-02-048; 901-01-050; 901-01-055; 901-01-056; 901-01-025; 901-01-026; 901-01-027; 901-01-030; 901-01-031; 901-01-015; 901-01-018; 901-01-022; 901-01-023; 901-01-037; 901-01-040; 901-01-041; 901-01-043; 901-01-044; and 901-01-045, as depicted in Exhibit A attached hereto (the "Parcels") requesting the Infrastructure Improvements and assessing for the cost thereof; and

WHEREAS, the cost of the Infrastructure Improvements was set forth in the Petition; and

WHEREAS, this Council duly adopted Ordinance No. 2018-5 on April 11, 2018 and determined to proceed with the Infrastructure Improvements and adopted the calculation of estimated Special Assessments (as defined in the Resolution of Necessity) in accordance with the Petition;

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

Section 1. Each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in the Petition.

Section 2.

(a) The method for determining the Special Assessments for the cost and expense of the Infrastructure Improvements, which were set forth in the Petition and are on file with the Clerk of Council, are adopted and confirmed.

(b) The Special Assessments are levied and assessed upon the lots and lands provided for in Resolution of Necessity, in the respective amounts described in the Petition on file

with the Clerk of Council, which Special Assessments are in proportion to the special benefits and are not in excess of any applicable statutory limitation.

Section 3. This Council hereby finds and determines that the Special Assessments are in proportion to the benefits received by the Parcels as set forth in the Petition. The Special Assessments against the Parcels shall be payable in semi-annual installments as set forth in the Petition. All Special Assessments shall be certified by the Clerk of Council to the County Fiscal Officer pursuant to the Petition and Section 727.33 of the Ohio Revised Code to be placed on the tax duplicate and collected as taxes are collected.

Section 4. The Owners (as defined in the Petition) have waived their right to pay the Special Assessments in cash, and all Special Assessments and installments thereof shall be certified by the Clerk of Council to the Cuyahoga County Fiscal Officer (the "County Fiscal Officer") as provided by law to be placed by him or her on the tax duplicate and collected as other property taxes are collected and as set forth in the Petition.

Section 5. The Clerk of Council shall keep on file in the office of the Clerk of Council the Special Assessments. Further, the Village Treasurer, and the Mayor are hereby authorized to take all actions, including the execution of all documents or amendments, necessary to implement the Special Assessments and undertake the Infrastructure Improvements.

Section 6. In compliance with Section 319.61 of the Ohio Revised Code (the "Revised Code"), the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Fiscal Officer within twenty (20) days after its adoption.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any 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 and Section 121.22 of the Revised Code.

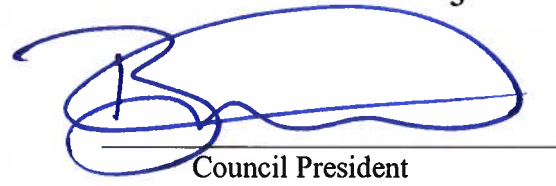
Section 8. Pursuant to Section III-11 of the Charter, this Ordinance provides for "improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor." Accordingly, this Resolution shall take effect upon its signature by the Mayor, upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after it has been vetoed by the Mayor, as the case may be.

[Balance of Page Intentionally Left Blank]

ORDINANCE NO. 2022-12

3

PASSED: July 6, 2022

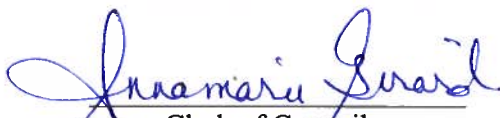


Council President

Submitted to the Mayor for
Approval on this 6th day of July, 2022

Approved by the Mayor this
6th day of July, 2022

ATTEST:



Clerk of Council

Mayor

Exhibit A
Parcel List & Map

PARCEL NUMBER	OWNER	ACERAGE	ASSESSED VALUE
901-01-054	HYCROFT DEVELOPMENT CORPORATION	0.459	\$35,244.58
901-01-028	HYCROFT DEVELOPMENT CORPORATION	0.464	\$35,628.51
901-01-029	HYCROFT DEVELOPMENT CORPORATION	0.459	\$35,244.58
901-01-068	PINECREST PROJECT PARTNERS LLC	41.379	\$3,177,310.79
901-02-047	PINECREST PROJECT PARTNERS LLC	2.056	\$157,871.17
901-02-048	PINECREST PROJECT PARTNERS LLC	13.053	\$1,002,282.26
901-01-050	WALNUT HILLS LLC	0.923	\$70,873.10
901-01-055	WALNUT HILLS LLC	0.459	\$35,244.58
901-01-056	WALNUT HILLS LLC	0.923	\$70,873.10
901-01-025	WALNUT HILLS LLC	0.923	\$70,873.10
901-01-026	WALNUT HILLS LLC	0.923	\$70,873.10
901-01-027	WALNUT HILLS LLC	0.459	\$35,244.58
901-01-030	WALNUT HILLS LLC	0.464	\$35,628.51
901-01-031	WALNUT HILLS LLC	0.459	\$35,244.58
901-01-015	WALNUT HILLS LLC	0.923	\$70,873.10
901-01-018	WALNUT HILLS LLC	0.922	\$70,796.31
901-01-022	WALNUT HILLS LLC	0.0459	\$3,524.46
901-01-023	WALNUT HILLS LLC	1.388	\$106,578.39
901-01-037	WALNUT HILLS LLC	1.0000	\$76,785.59
901-01-040	WALNUT HILLS LLC	0.464	\$35,628.51
901-01-041	WALNUT HILLS LLC	0.923	\$70,873.10
901-01-043	WALNUT HILLS LLC	0.0459	\$3,524.46
901-01-044	WALNUT HILLS LLC	0.459	\$35,244.58
901-01-045	WALNUT HILLS LLC	0.923	\$70,873.10
TOTAL ACREAGE		70.4968	
TOTAL ASSESSED VALUE		\$5,413,138.14	\$5,413,138.14

ASSESSMENT COSTS	
CONSTRUCTION / ENG. / OBSERVATION	\$5,000,000.00
DEBT: ISSUANCE / INTEREST EXPENSE	\$401,697.39
LEGAL COST FOR ASSESSMENT	\$11,440.75
TOTAL ASSESSMENT COST	\$5,413,138.14

LOT AREA TAKEN FROM CUYAHOGA COUNTY
PROPERTY INFORMATION SITE

RECREATION TRAIL OVERALL COSTS (March 2022)	
TOTAL CONSTRUCTION (CATTS) TO DATE	\$4,644,581.51
OUTSIDE OF CATTS CONTRACT EXPENSES (IN HOUSE)	\$37,301.80
OVERALL TOTAL (PLUS VILLAGE EXTRAS)	\$4,681,883.31
ENGINEERING - PROJECT	\$320,035.37
ENGINEERING - MISC	\$11,850.00
ENGINEERING - ORANGEWOOD TRAIL PROJECT	\$42,576.30
ENGINEERING - EASEMENTS (BASE PROJECT)	\$24,597.50
ENGINEERING - PW REPORTS	\$1,300.00
OBSERVATION	\$207,773.00
STAKEOUT	\$70,656.50
OVERALL TOTAL	\$5,360,471.98
OVERALL TOTAL (LESS FIRE, HARVARD HILL AND HALL RAMP)	\$5,204,713.33
OVERALL TOTAL (LESS ABOVE AND STORM SEWER ON MILES) - ITEMS #1262	\$5,114,929.33
OVERALL TOTAL (LESS ALL ABOVE AND 1575 SF OF ITEM #1120 (MILES AND CURB AND GUTTER))	\$5,055,079.33

List of Parcels

Parcels Owned by Walnut Hills LLC

901-01-015 (with 901-01-016, 901-01-017)

901-01-018

901-01-019 (NO PARCEL SEE MAP)

901-01-022

901-01-023

901-01-025

901-01-026

901-01-027

901-01-030

901-01-031

901-01-037

901-01-040

901-01-041

901-01-043

901-01-044

901-01-045

901-01-050

901-01-055

901-01-056

Parcels Owned by Pinecrest Project Partners LLC

901-01-068

901-02-047

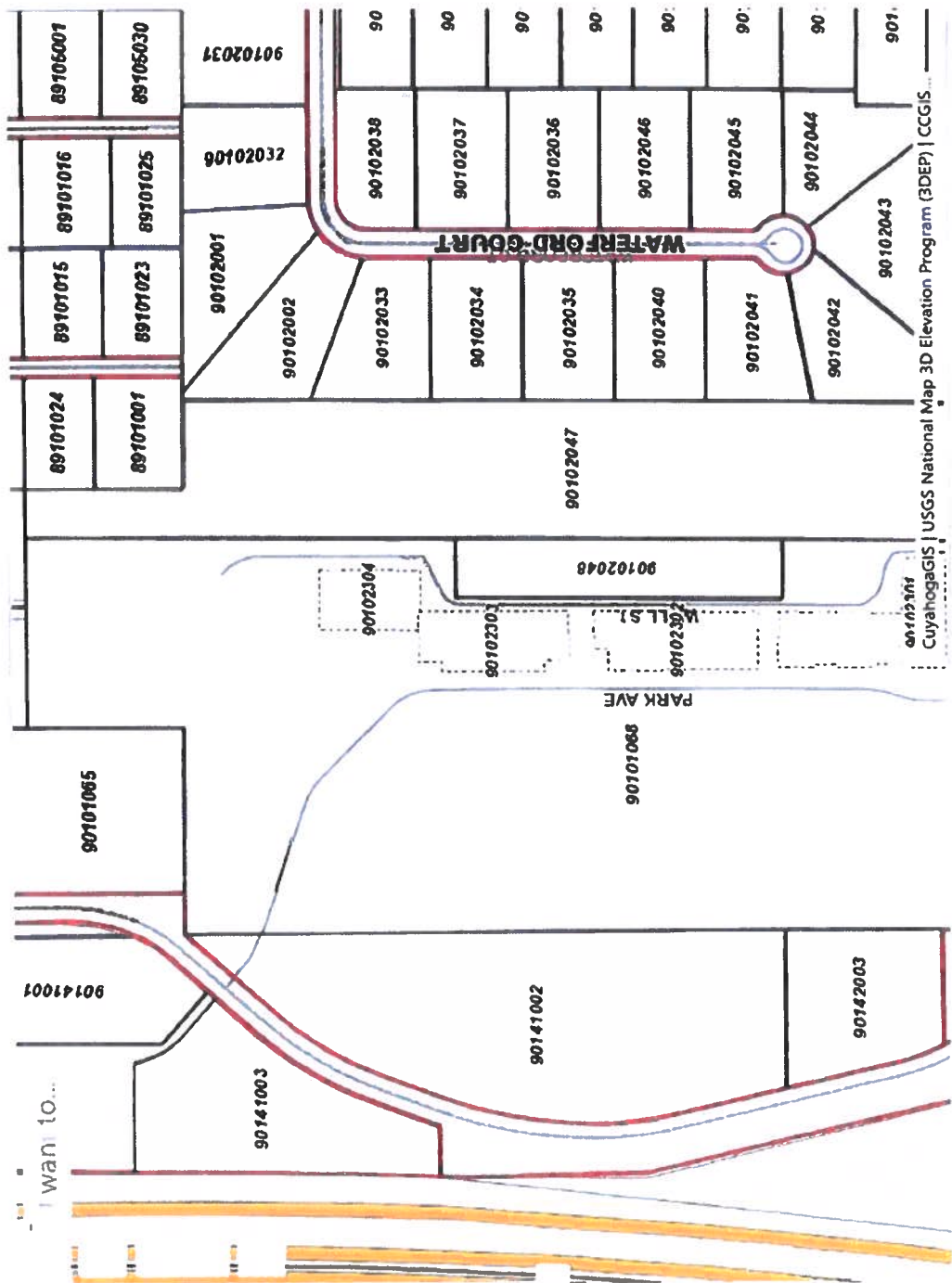
901-02-048

Parcels Owned by Hycroft Development Corporation

901-01-028

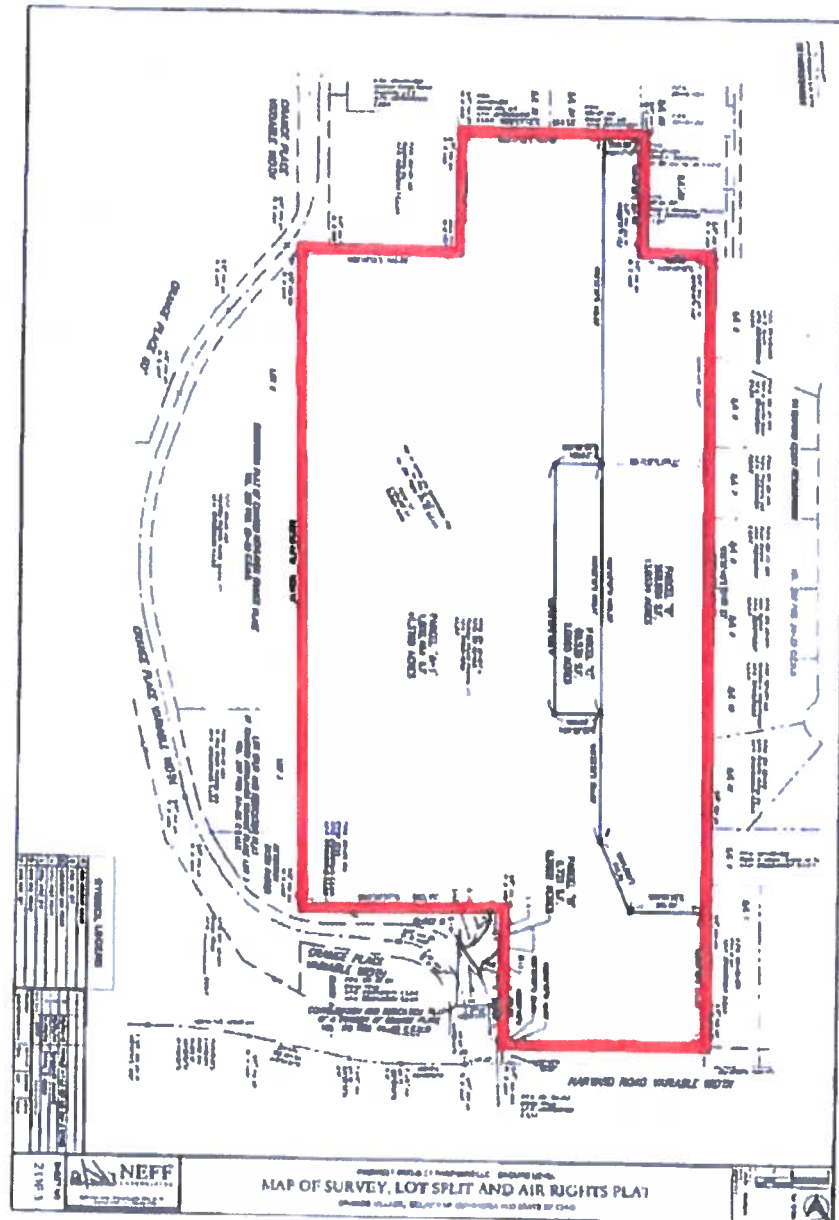
901-01-029

901-01-054



Map of the Parcels





10402079.0