

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2021-19

By Jim Maxwell Sponsored By Mayor Cyril M. Klein

## AN ORDINANCE

**DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS AND OTHER PUBLIC PLACES IN THE CITY OF BEREA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, AND TO LEVY ASSESSMENTS THEREFOR, AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That in accordance with Resolution No. 2021-18, adopted May 3, 2021, and with plans, specifications, estimates and profiles heretofore prepared and now on file in the office of the Director of Public Service, it is hereby determined to proceed with the improvement of all streets and other public places situated in the City of Berea that are now furnished with lighting, by continuing such lighting service.

**SECTION 2.** That the entire cost of said improvement, less two percent (2%) thereof, and the cost of intersections, shall be assessed upon all lots and lands in the City of Berea which are hereby specifically determined to be specially benefited by said improvement, a percentage of the tax value thereof as shown by the records of the Cuyahoga County Fiscal Officer, State of Ohio. The remainder of the cost of said improvement shall be paid out of the General Fund of the City of Berea.

**SECTION 3.** That the assessment so to be levied shall be paid in two semi-annual installments with taxes from the Tax Year 2022.

**SECTION 4.** That notice of the making and filing by the Director of Finance and the Director of Public Service of the assessment authorized and directed herein for the purpose of supplying all streets and other public places within the City with electrical lighting is being duly published in accordance with law, and the Council of the City of Berea hereby adopts and confirms the said assessments and the amounts thereof aggregating.

**SECTION 5.** That there be levied and assessed upon all the lots and lands in the City of Berea, which lots and lands have been determined by the Council to be specially benefited by the improvement set out in Section 1 above, the several amounts heretofore reported to the Council of said City by the Director of Finance, which assessments together with description of said lots and lands is now on file in the office of the Director of Finance of the City of Berea, and which assessments and the several amounts thereof are 15/100 of 1% of the tax value of the property assessed.

**SECTION 6.** That the remainder of the entire cost of said improvement shall be paid out of the Street Lighting Fund of the City of Berea, designated for accounting purposes as Fund No. 245.

**SECTION 7.** That the assessment charged against each lot or parcel of land shall be certified by the Director of Finance to the County Fiscal Officer, as provided by law, to be placed upon the tax duplicate and collected as other taxes.

**SECTION 8.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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**SECTION 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the lighting of streets and other public places is immediately necessary to ensure safety for vehicular and pedestrian travel in the City. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 3, 2021

ATTEST: Allyson  
Clerk of Council

APPROVED:

May 4, 2021  
Paul Klean  
Mayor

Approved as to Form:

Shirley  
Director of Law