

AN ORDINANCE ENACTING A LOT STORM DRAINAGE RELIEF PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, Council desires to establish a program whereby the Village Engineer may identify lots within the Village which require storm drainage relief; and

WHEREAS, Council has determined that the correction of storm drainage problems in certain areas of the Village occasioned by engineering or original construction defects is of considerable benefit to the public for the orderly control of storm water throughout the Village; and

WHEREAS, Council has determined in addition to the general public benefit of a storm drainage relief program as set forth herein, there is also a private benefit to individual homeowners which such expenses should be borne by the homeowners; and

WHEREAS, Council has further determined that said storm drainage relief program will benefit the entire community's storm drainage system, now, therefore,

BE IT ORDAINED, by the Council of the Village of Reminderville, County of Summit, and State of Ohio:

SECTION 1: That Council hereby enacts a "LOT STORM DRAINAGE RELIEF PROGRAM" which shall read as follows:

LOT STORM DRAINAGE RELIEF PROGRAM

- A. The Village Engineer may identify lots within the Village which are in need of storm drainage relief based on the following criteria:
 - 1. The causes of storm drainage issues for which relief is desired are related to the original design and construction of the developments on the properties and not related to changes in the property and its topography by individual owners of lots of record since the original construction on the property;
 - 2. That the storm drainage problem for which relief is desired cannot be attributed, based on engineering analysis, to actions by individual property owners as opposed to the original developer or the natural topography of the area for which relief is requested;
 - 3. The benefit service area shall be a minimum of three (3) or more parcels;
 - 4. The cause of the lot drainage problem cannot be attributed to a single entity;

5. Any and all easements or rights-of-way from all affected property owners shall be made available to the Village at no cost: and
 6. That all affected property owners upon which the relief program is determined necessary by the Village Engineer shall agree to the proposed remediation and the cost sharing as set forth in this Section.
- B. The Mayor, based upon a determination by the Village Engineer and Supervisor of Public Service shall have final approval of all such projects and shall schedule the order in which the work is completed and his determination shall be final. Based upon findings by the Village Engineer and any other analysis deemed appropriate, the Mayor may declare certain areas and/or individual properties of the Village ineligible for this program.
 - C. The cost to individual property owners for their assessment for the private property benefit shall be based upon equipment and materials used in the event the work is performed by Village employees. If the Village determines it is necessary to subcontract the work, the total project cost will be assessed based upon benefitting parcels. The Village Engineer will provide preliminary assessment costs to each parcel affected.
 - D. Prior to the start of any work, the affected property owners shall be notified of the total cost for which they will be responsible and a copy of such notice signed by the property owners and acknowledging their agreement to pay within the terms of this Ordinance must be received by the Fiscal Officer. Property owners shall pay the calculated amount prior to commencement of work.
 - E. All affected property owners shall be required to sign a joint agreement with the Village setting forth the terms and conditions contained in this Ordinance and further providing that the property owners shall be responsible for all future maintenance and repairs to the system after its installation. Such agreement shall be in form so that if the Village elects to do so, it can be recorded on the records of the subject property with the County Recorder of Summit County.
 - F. The application of this program to any particular parcel within the Village shall not create a right in other property owners regarding a similar application. The number of applications that may be approved in any year shall be limited by the funds available as established in the Annual Budget approved by Council, the availability of Village work/workers for construction of the project, the review of each application by the Village Engineer and the discretion of the Mayor in establishing the priority and scheduling of projects.
 - G. Upon approval and execution of all documents, the determination of the construction schedule shall be that of the Supervisor of Public Service.

SECTION 2: This Ordinance is an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the citizens of the Village of Reminderville, to wit: it is immediately necessary to provide adequate storm drainage relief, and if this Ordinance receives the necessary number of votes, it shall take effect and be in force from and after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted:

Sam Alonso, Mayor

Attestation:

Stacey Task
Clerk of Council

I, Stacey Task, Clerk of Council of the Village of Reminderville, Summit County, Ohio do hereby certify that the foregoing **ORDINANCE 07-2016** was duly and regularly adopted by the Council of the Village of Reminderville at a regular meeting of Council on the _____ day of _____, 2016.

Stacey Task
Clerk of Council