

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2015-0011

<p>Sponsored by: <b>County Executive Budish/Department of Public Works</b></p> <p>Co-sponsored by: <b>Councilmember Conwell</b></p>	<p><b>An Ordinance</b> enacting Section 705.03 of the Cuyahoga County Code to establish sewer connection charges for the 2008 Bagley Road Sewer Project; amending County Resolution No. 052209 dated 6/2/2005, which established the charges payable for connection to the County's sanitary sewerage system in County Sewer District No. 14; and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, in 1996 the Northeast Ohio Regional Sewer District ("NEORS D") commenced the construction of the Bagley Road Sewer Project; and

WHEREAS, due to reasons beyond its control, NEORS D completed only the first phase of the construction of the Bagley Road Sewer Project; and

WHEREAS, on June 2, 2005, Cuyahoga County adopted Resolution No. 052209, establishing certain sewer connection charges for County Sewer District No. 14, which includes Bagley Road; and

WHEREAS, in 2008 the County completed the construction of the second phase of the Bagley Road Sewer Project ("2008 Bagley Road Sewer Project"); and

WHEREAS, to alleviate the hardships imposed on the property owners by the delay in the construction of the second phase of the Bagley Road Sewer Project, the County desires that all property owners existing at the time the County constructed the 2008 Bagley Road Sewer Project should receive the benefit of the 2008 sewer connection charges set forth in Resolution No. 052209, dated June 2, 2005; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that sewer connections to the County's sewer facilities can be provided to the affected property owners.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Section 705.03 of the Cuyahoga County Code is hereby enacted to read as follows:

**Section 705.03 Sewer Connection Charges for 2008 Bagley Road Sewer Project**

- A. All property owners converting from a septic system to a main sanitary line on Bagley Road, who connect to the 2008 Bagley Road Sewer Project, shall pay the 2008 sewer connection charge, as set forth in Resolution No. 052209, dated June 2, 2005.
- B. Any affected property owners on Bagley Road who connected to the 2008 Bagley Road Sewer Project and previously paid sewer connection charges under the 2009 - 2015 rates shall be refunded any amounts paid in excess of the 2008 rates as set forth in Resolution No. 052209, dated June 2, 2005.
- C. Section 705.03 of the Cuyahoga County Code is intended to alleviate the hardships on individual homeowners and property owners on Bagley Road who were existing property owners at the time the 2008 Bagley Road Sewer Project was constructed by the County. Property owners or developers who acquired or developed properties on Bagley Road subsequent to 2008 are ineligible to receive the sewer connection rates set forth in Section 705.03.
- D. All property owners connecting to the 2008 Bagley Road Sewer Project shall benefit from the payment procedures for County Sewer District No. 14 set forth in Section 705.01.
- E. Section 705.03 is applicable to the 2008 Bagley Road Sewer Project constructed by the County on Bagley Road in 2008, as indicated in the drawing attached as Exhibit A.
- F. Cuyahoga County Resolution No. 052209, dated 6/2/2005, which established the charges payable for connection to the County's sanitary sewerage system in County Sewer District No. 14, is hereby amended to reflect that property owners connecting to the 2008 Bagley Road Sewer Project from 2008 until 2015 will be responsible to pay the sewer connection charges established for 2008 fiscal year.


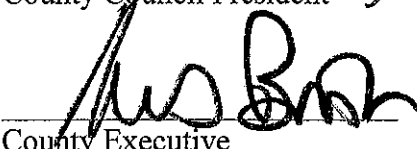

**SECTION 2.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the 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 Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Germana, seconded by Mr. Brady, the foregoing Ordinance was duly enacted.

Yeas: Simon, Greenspan, Miller, Germana, Gallagher, Schron, Conwell, Jones, Brown, Hairston and Brady

Nays: None

 County Council President	<u>7/15/15</u> Date
 County Executive	<u>7-16-15</u> Date
 Clerk of Council	<u>7/14/2015</u> Date

First Reading/Referred to Committee: June 23, 2015

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: July 14, 2015

Journal CC019

July 14, 2015

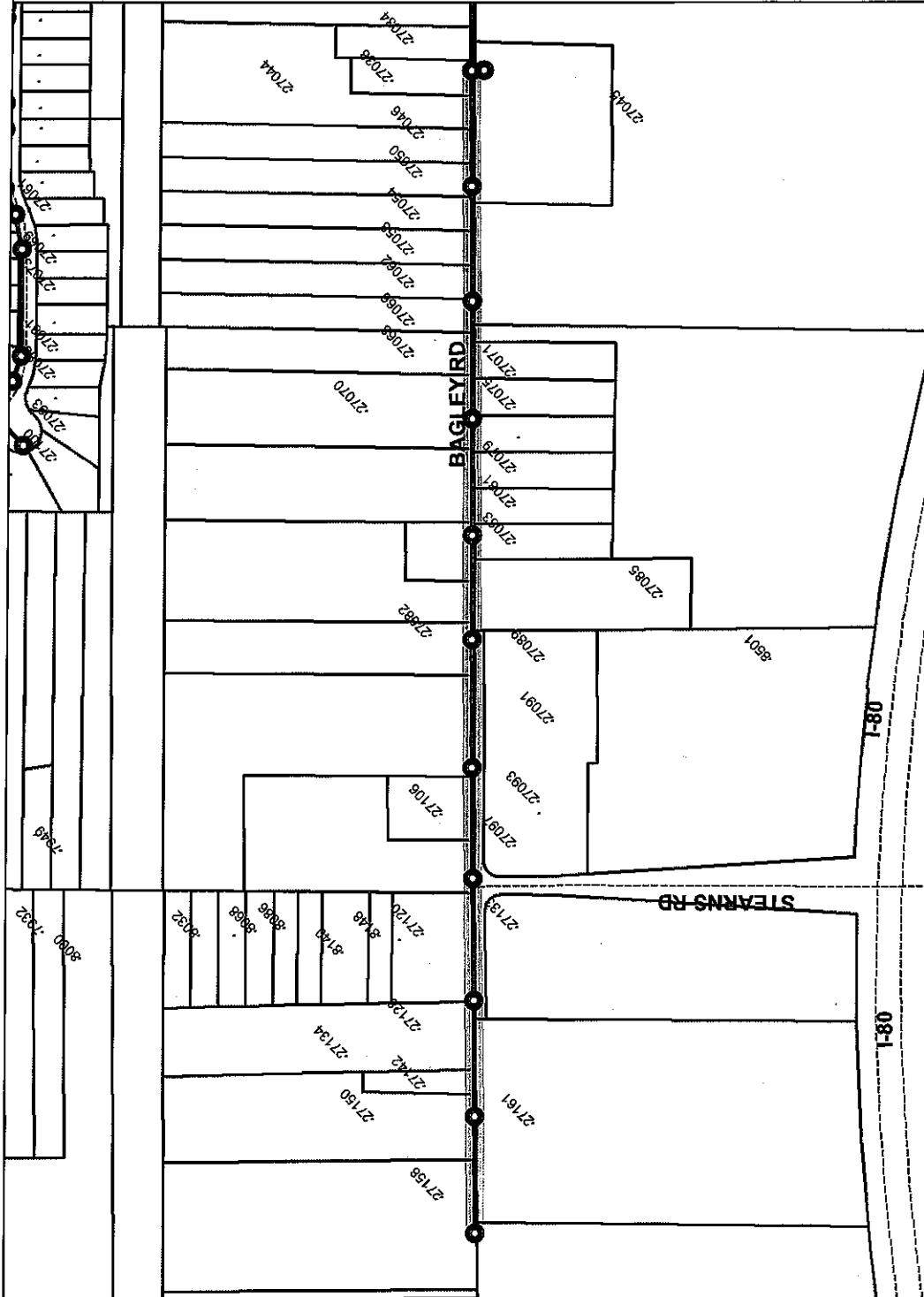
[EXHIBIT A]

# OLMSTED TOWNSHIP EXHIBIT A

BAGLEY ROAD  
PROJECT 05-038(1)  
CONSTRUCTED IN 2007



- SANITARY MANHOLE
- SANITARY SEWER
- PROJECT EXTENT
- ADDRESS POINT
- STREET CENTERLINE
- PARCEL



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DATE: 6/19/2015