

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 20-20

TO LEVY ASSESSMENTS FOR THE UNPAID COSTS OF PRIVATE LEAD SERVICE LINE REPLACEMENTS IN ACCORDANCE WITH THE ASSESSMENT AGREEMENT BETWEEN THE CITY OF CHEVIOT AND THE CITY OF CINCINNATI THROUGH THE GREATER CINCINNATI WATER WORKS' LEAD SERVICE LINE REPLACEMENT PROGRAM; AND TO DECLARE AN EMERGENCY.

WHEREAS, the City of Cheviot entered into an Assessment Agreement with the City of Cincinnati, on behalf of Greater Cincinnati Water Works ("GCWW"), effective February 11, 2020 and as authorized by Ordinance No. 20-02 passed on January 21, 2020, to assist property owners in financing the cost of private lead service line replacement to reduce the risk of lead in water; and

WHEREAS, the owners of the properties ("the Assessed Properties") listed on Exhibit "1," which is attached hereto and incorporated herein, entered into contracts for GCWW to perform the replacement work, bill the property owner for the owner's share of the resulting costs, and assess to the property for the repayment over a number of years for any portion of the owner's share of costs that is unpaid following that bill due date; and

WHEREAS, the owners of the Assessed Properties listed in Exhibit "1" were either notified by GCWW that their private lead service lines were required to be replaced pursuant to GCWW's Rules and Regulations and Chapter 729 of the Ohio Revised Code, or the owners provided a voluntary written waiver of such notice; and

WHEREAS, GCWW has completed private lead service line replacements at the Assessed Properties listed on Exhibit "1;" the property owners have been billed for their share of the costs; and the due date for the payment has passed; and

WHEREAS, following the due date of the bill, pursuant to the GCWW owner contracts, GCWW Rules and Regulations, and the Assessment Agreement, any unpaid portion of the owner's share of costs shall be assessed against the property to be collected by the County Treasurer in the same manner as real estate taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS THEREOF CONCURRING, THAT:

Section 1. In accordance with the Assessment Agreement, Chapter 729 of the Ohio Revised Code, and the contracts between the property owners and GCWW, the unpaid costs of the private lead line service line replacement incurred by GCWW are hereby levied as assessments in the amounts stated and upon the real property described in Exhibit "1" for payment in semi-annual installments for the length of the assessment period indicated on Exhibit "1."

Section 2. The assessments listed in Exhibit "1" shall be certified by the City of Cheviot Clerk of Council to the Hamilton County Auditor for collection as other taxes and assessments are collected.


Section 3. For each of the Assessed Properties, GCWW has either provided written notice of the requirement to replace the private lead service line on the property to the property owner

pursuant to Chapter 729 of the Ohio Revised Code or obtained a voluntary written waiver of service of such notice from the property owner; GCWW has completed the lead pipe replacement work on the property; GCWW has billed the property owner for their share of the replacement cost; and the due date on the bills for each of the listed properties has passed.

Section 4. Any amount received as a result of the assessments levied herein shall be remitted by the City of Cheviot to the City of Cincinnati, pursuant to the terms of the Assessment Agreement

Section 5. This ordinance shall be an emergency measure for the health, safety, and welfare of the citizens of Cheviot and shall take effect immediately. The emergency is necessary in order to immediately authorize the Clerk of Council to certify the assessments by the Hamilton County Auditor's September 30, 2020 deadline for placing amounts on the tax rolls for the next year.

Mark G. Waters
President of Council




Samuel D. Keller
Mayor

Date passed

9-1-2020

Date approved

Attest:



Jenny M. Eilermann
Clerk of Council

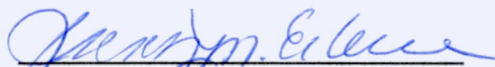
Approved as to form:

Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) 9-9, 2020, and
- 2) 9-16, 2020.



Jenny M. Eilermann

I, Jenny M. Eilermann, Clerk of Council of the City of Cheviot, Ohio certify that the foregoing Ordinance No. 20-20 taken and copied from the record of the proceedings of the Cheviot City Council, Hamilton County, Ohio, and that it has been compared by me with the original ordinance on the record and in my possession, and it is a true and accurate copy. Further, I certify that the adoption of Ordinance No. 20-20 occurred in an open meeting held in compliance with R.C. 121.22.
Jenny Eilermann Clerk of Council, City of Cheviot, Ohio

9/11/2020

EXHIBIT 1

AFFIDAVIT

STATE OF OHIO)
)
 COUNTY OF HAMILTON)

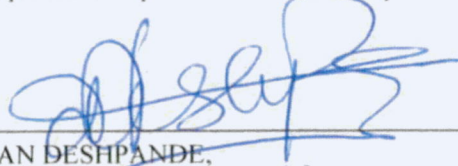
ss:

Re: Certification of Lead Service Line Replacement costs (CMC 401-133 and -135 and ORC 729.06)

Now comes Niranjan Deshpande and after being duly cautioned and sworn, states that that the following is true and based upon his own knowledge and belief:

1. I am employed by the City of Cincinnati and served in the position of Interim Lead Program Manager of the Greater Cincinnati Water Works (GCWW) of the City of Cincinnati from August 25, 2019 to May 16, 2020.
2. Pursuant to the *Agreement* between Cincinnati and the City of Cheviot ("Cheviot") dated December 28, 2010 and the *Assessment Agreement* between Cheviot and the Cincinnati effective February 11, 2020 (collectively, the "Agreements"), and Cincinnati Municipal Code (CMC) sections 401-133 and -135, Cincinnati, through GCWW, has the authority to notify property owners in the City of Cheviot in writing of the requirement to replace the private lead service line.
3. Exhibit A, attached hereto and incorporated herein by reference, contains a list of properties and their owners who were either served with notices to replace their private Lead Service Line or who waived such notice and who executed agreements with GCWW to replace the private lead service line on the property and for owner to pay its share of costs incurred by GCWW.
4. Pursuant to the Agreements and CMC 401-135, GCWW has completed the lead service line replacement work on the properties listed in Exhibit A (the "List") and billed the property owner for their share of the replacement costs. The due date on the bills for each of the listed properties has passed.
5. The Agreements provide that Cheviot shall certify any unpaid amounts on the List to the Hamilton County Auditor to be placed as a charge on the tax list and duplicate for the listed property.
6. I hereby certify the amounts and information listed on Exhibit A and request that Cheviot certify the listed assessments to the Hamilton County Auditor for placement upon the tax list and duplicate.

FURTHER, AFFIANT SAITH NAUGHT.



 NIRANJAN DESHPANDE,

Sworn to before me and in my presence this 13 day of July, 2020.



 Notary Public – State of Ohio



Andrea Eumei Yang, Attorney At Law
 NOTARY PUBLIC - STATE OF OHIO
 My commission has no expiration date
 Sec. 147.03 R.C.

PROJECT NAME						
Cheviot						
PARCEL		OWNER			RES/ORD#	
5510007014800		THOMPSON GAY H & MARIAN				
4021 ST MARTINS PLACE		5 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
1980.00	396.00	198.00	1584.00	2021	1	
	396.00	198.00	1188.00	2022	2	
	396.00	198.00	792.00	2023	3	
	396.00	198.00	396.00	2024	4	
	396.00	198.00	0.00	2025	5	

PROJECT NAME						
Cheviot						
PARCEL		OWNER			RES/ORD#	
5510007011400		WAGNER CLIFFORD J JR				
4008 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
1780.00	198.00	99.00	1782.00	2021	1	
	198.00	99.00	1584.00	2022	2	
	198.00	99.00	1386.00	2023	3	
	198.00	99.00	1188.00	2024	4	
	198.00	99.00	990.00	2025	5	
	198.00	99.00	792.00	2026	6	
	198.00	99.00	594.00	2027	7	
	198.00	99.00	396.00	2028	8	
	198.00	99.00	198.00	2029	9	
	198.00	99.00	0.00	2030	10	

PROJECT NAME						
Cheviot						
PARCEL		OWNER				RES/ORD#
5510007014200		WHITTLE JOHN				
4111 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
792.00	79.20	39.60	712.80	2021	1	
	79.20	39.60	633.60	2022	2	
	79.20	39.60	554.40	2023	3	
	79.20	39.60	475.20	2024	4	
	79.20	39.60	396.00	2025	5	
	79.20	39.60	316.80	2026	6	
	79.20	39.60	237.60	2027	7	
	79.20	39.60	158.40	2028	8	
	79.20	39.60	79.20	2029	9	
	79.20	39.60	0.00	2030	10	

PROJECT NAME						
Cheviot						
PARCEL		OWNER				RES/ORD#
5510007014300		FISCHER MORGAN A				
4107 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
1386.00	138.60	69.30	1247.40	2021	1	
	138.60	69.30	1108.80	2022	2	
	138.60	69.30	970.20	2023	3	
	138.60	69.30	831.60	2024	4	
	138.60	69.30	693.00	2025	5	
	138.60	69.30	554.40	2026	6	
	138.60	69.30	415.80	2027	7	
	138.60	69.30	277.20	2028	8	
	138.60	69.30	138.60	2029	9	
	138.60	69.30	0.00	2030	10	

PROJECT NAME						
Cheviot						
PARCEL		OWNER			RES/ORD#	
5510009022000		MCDONALD JAMES JOHN & DONNA CECELIA				
3737 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
1386.00	138.60	69.30	1247.40	2021	1	
	138.60	69.30	1108.80	2022	2	
	138.60	69.30	970.20	2023	3	
	138.60	69.30	831.60	2024	4	
	138.60	69.30	693.00	2025	5	
	138.60	69.30	554.40	2026	6	
	138.60	69.30	415.80	2027	7	
	138.60	69.30	277.20	2028	8	
	138.60	69.30	138.60	2029	9	
	138.60	69.30	0.00	2030	10	

PROJECT NAME						
Cheviot						
PARCEL		OWNER			RES/ORD#	
5510009022100		EINHAUS KAREN				
3739 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
1980.00	198.00	99.00	1782.00	2021	1	
	198.00	99.00	1584.00	2022	2	
	198.00	99.00	1386.00	2023	3	
	198.00	99.00	1188.00	2024	4	
	198.00	99.00	990.00	2025	5	
	198.00	99.00	792.00	2026	6	
	198.00	99.00	594.00	2027	7	
	198.00	99.00	396.00	2028	8	
	198.00	99.00	198.00	2029	9	
	198.00	99.00	0.00	2030	10	

PROJECT NAME						
Cheviot						
PARCEL		OWNER			RES/ORD#	
5510009023000		VICHITCHOT THANAPAT				
3823 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
1386.00	138.60	69.30	1247.40	2021	1	
	138.60	69.30	1108.80	2022	2	
	138.60	69.30	970.20	2023	3	
	138.60	69.30	831.60	2024	4	
	138.60	69.30	693.00	2025	5	
	138.60	69.30	554.40	2026	6	
	138.60	69.30	415.80	2027	7	
	138.60	69.30	277.20	2028	8	
	138.60	69.30	138.60	2029	9	
	138.60	69.30	0.00	2030	10	

PROJECT NAME						
Cheviot						
PARCEL		OWNER			RES/ORD#	
5510010001900		CABIN CREEK CAPITAL LLC				
3520 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge				
Principal	Full Year	Half Year	Future Amount	Year		
1980.00	198.00	99.00	1782.00	2021	1	
	198.00	99.00	1584.00	2022	2	
	198.00	99.00	1386.00	2023	3	
	198.00	99.00	1188.00	2024	4	
	198.00	99.00	990.00	2025	5	
	198.00	99.00	792.00	2026	6	
	198.00	99.00	594.00	2027	7	
	198.00	99.00	396.00	2028	8	
	198.00	99.00	198.00	2029	9	
	198.00	99.00	0.00	2030	10	

PROJECT NAME					
Cheviot					
PARCEL		OWNER			RES/ORD#
5510010004100		BOWERS CHRISTINE H & CANDANCE L			
3621 ST MARTINS PLACE		10 Yrs - Semi-Annual Charge			
<u>Principal</u>	<u>Full Year</u>	<u>Half Year</u>	<u>Future Amount</u>	<u>Year</u>	
1980.00	198.00	99.00	1782.00	2021	1
	198.00	99.00	1584.00	2022	2
	198.00	99.00	1386.00	2023	3
	198.00	99.00	1188.00	2024	4
	198.00	99.00	990.00	2025	5
	198.00	99.00	792.00	2026	6
	198.00	99.00	594.00	2027	7
	198.00	99.00	396.00	2028	8
	198.00	99.00	198.00	2029	9
	198.00	99.00	0.00	2030	10