## CITY OF CHEVIOT STATE OF OHIO

### **ORDINANCE NO. 21-16**

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.

<u>Section 4.</u> 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

<u>Section 5.</u> 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, 2021 deadline for placing amounts on the tax rolls for the next year.

	Kerry Smyth President of Council  Samuel D Keller  Mayor	Date passed  9-7-21  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 <i>Western Hills Press</i> , 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),2	021, and										

, 2021.

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Jenny M. Eilermann Clerk of Council

#### **AFFIDAVIT**

<b>STATE OF ОНЮ</b>	)	
	)	ss:
COUNTY OF HAMILTON	)	

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

Now comes Leslie Moening and after being duly cautioned and sworn, states that the following is true and based upon her own knowledge and belief:

- 1. I am employed by the City of Cincinnati and serve in the position of Lead Program Manager of the Greater Cincinnati Water Works (GCWW) of the City of Cincinnati.
- 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 <u>Exhibit A</u> (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.

ESLIE MOENING,

Sworn to before me and in my presence this 10 d

🖔 State of Ohio

Dankel J. Schlueter, Attorney At Law NOTARY PUBLIC - STATE OF OHIC My commission has no expiration data Sec. 147.03 R.C.

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Parcel #	Address	Admin Area	Assessment Years	Assessment Amount	202	,	2023 2024		2025 2026			6	203	17	2028		2029		2030		2031			
51-0009-0064-00	3430 ALTA VISTA AVE	CHEVIOT	5	1,673.40	167.34	167.34	167.34	167.34			167.34			167.34										
51-0010-0036-00	3601 STMARTINS PLACE	CHEVIOT	s	1,980.00	198.00	198.00	198.00	198 00	198.00	198.00	198.00	198.00	198.00	198.00										
51-0009-0222-00	3743 STMARTINSPLACE	CHEVIOT	5	1,980.00	198.00	198.00	198.00	198.00	198 00	198.00	198.00	198.00	198 00	198.00										
51-0005-0166-00	3853 DAVIS AVENUE	CHEVIOT	,	1,200.00	120.00	120.00	120.00	120.00	120 00	120 00	120.00	120.00	120 00	120 00										
51-0002-0123-00	3944 LOVELL AVE	СНЕМОТ		1,890.60	189.06	189.06	189,06	189.06	189.06	189 06	189.06	189.06	189.06	189.06										
551 0003 0138 00	3951 DELMAR AVENUE	CHEVIOT		1,200.00	120.00	120.00	120.00	120 00	120 00	120.00	120 00	120 00	120.00	120.00										
551-0003-0298-00	3954 NORTH BEND ROAD	CHEMOT	1 ,	1,200.00	120.00	120.00	120.00	120 00	120 00	120.00	120 00	170.00	120.00	120 00										
551-0009-0076-00	3427 MAYFAIR AVE	CHEVIOT	1 10	1,860.00	93.00	93 00	93.DO	93.00	93 00	93.00	93.00	93.00	93.00	93 00	93.00	93.00	93.00	93 00	93 00	93.00	93.00	93.00	93.00	93 0
551-0011-0015-00	3620 HOMELAWN AVE	CHEMOT	10	600.00	30 00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.0
551-0009-0219-00	3733 STMARTINSPLACE	CHEMOT	10	1,980.00	99.00	99.00	99.00	99 00	99 00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99 00	99.00	99.00	99.00	99.00	99.00	99.0
551-0009-0226-00	3807 ST MARTINS PLACE	CHEVIOT	10	1,980.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.0
551-0009-0390-00	3807 APPLEGATE AVE	CHEMOT	10	1,698.00	84.90	84.90	84.90	84 90	84 90	84.90	84 90	84 90	84 90	84 90	84 90	84.90	84.90	84.90	84 90	84 90	84 90	84.90	84.90	84 9
551-0005-0232-00	3518 OLIVETTE AVE	CHEVIOT	10	1,200.00	60.00	60,00	60.00	60.00	60.00	60.00	60.00	50.00	50.00	60.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0033-00	3820 DELMAR AVENUE	CHEMOT	10	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0214-00	3821 OLIVETTE AVE	CHEMOT	10	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	00.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0025-00	3875 DELMAR AVENUE	CHEVIOT	10	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	: 60.00	60,00	60.00	60.0
551-0005-0212-00	3827 OLIVETTE AVENUE	CHEVIOT	10	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 00	60 00	60.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0235-00	3828 OLIVETTE AVENUE	CHEVIOT	10	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0038-00	3836 DELMAR AVENUE	CHEVIOT	10	1,200.00	50.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60 00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60 0
551-0005-0237-00	3838 OLIVETTE AVENUE	CHEVIOT	10	1,200.00	50.00	60,00	60.00	60 00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60 0
551-0005-0040-00	3840 DELMAR AVENUE	CHEVIOT	10	1,200 00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0041-00	3842 DELMAR AVENUE	CHEVIOT	1 10	1,200.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 0
551-0005-0188-00	3846 DAVIS AVENUE	CHEMOT	1	1,200 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0189-00	3850 DAVIS AVENUE	CHEVIOT	1 ,	1,200.00	60.00	60.00	60.00	60 00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0262-00	3851 NORTH BEND ROAD	CHEVIOT	1	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.00	60 0
551-0005-0190-00	3852 DAVIS AVENUE	CHEVIOT	1	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0010-00	3855 DELMAR AVENUE	CHEVIOT	1	1,200.00	60.00	60.00	50.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60,00	60.00	60.00	60.00	_
551-0005-0260-00	3855 NORTH BEND ROAD	CHEVIOT	1 10	1,200.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.04 60.04
551-0005-0045-00	1856 DELMAR AVENUE	CHEVIOT	1	1,200.00	60.00	- 60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0247-00	3858 OLIVETTE AVENUE	CHEVIOT	1	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	- 60.00	60.00	60.00	60.00	60.00	60.00	50.00	50.00	50.00	60.00	60.00	60.0
551-0005-0258-00	3859 NORTH BEND ROAD	CHEVIOT	1	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0005-0249-00	3860 OLIVETTE AVENUE	CHEVIOT	1 10	1,200.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	60 00	60.00	60.00	60.00	60.00	60 00
551-0005-0162-00	3861 DAVIS AVENUE	CHEMOT	1 10	1,200.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00
551-0005-0257-00	3861 NORTH BEND ROAD	CHEMOT	1 10	1,200.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60,00	60 00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60 00
551-0005-0204-00	3863 OLIVETTE AVENUE	CHEMOT	1 10	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60 00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00
551-0005-0203-00	3865 OLIVETTE AVENUE	CHEMOT	1 10	1,200.00	60.00	60.00	60.00	60 00	60 00	60.00	60 00	60.00	60.00	60 00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 0
551-0005-0202-00	3867 OLIVETTE AVENUE	тнемот	1 10	1,200.00	50.00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60 00	60.00	60.00	69.00	60.00	60.00
551-0003-0292-00	3911 NORTH BEND ROAD	CHEMOT	1 10	1,200.00	60.00	60.00	60.00	60 00	60.00	60.00	60 00	60.00	60.00	60 00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 0
551-0003-0169-00	3942 DELMAR AVENUE	CHEMOT	10	1,200.00	60.00	60.00	60.00	60 00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 0
551-0003-0172-00	3948 DELMAR AVENUE	CHEMOT	100	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.0
551-0003-0134-00	3961 DELMAR AVENUE	CHEVIOT	1 10	1,200,00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	60.00	60.0
551-0003-0073-00	3961 GLENMORE AVE	CHEVIOT	100	1,680.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.00	84.0
551-0003-0072-00	3963 GLENMORE	CHEVIOT	1 10	1,678.80	83.94	83.94	83.94	83.94	83.94	83.94	83,94	83.94	83.94	83.94	83.94	E3.94	83.94	83.94	83.94	83.94	83.94	83,94	83.94	83.94
551-0003-0131-00	3967 DELMAR AVENUE	CHEMOT	1	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	50.00	60.00	60.00	60.00	60.00	60.00	60 D
551-0003-0182-00	3968 DELMAR AVENUE	CHEMOT	1 10	1,200.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60 D
551-0003-0130-00	3969 DELMAR AVENUE	CHEMOT	1 10	1,000.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50 0
551-0003-0183-00	3970 DELMAR AVENUE	CHEMOT	1 10	1,200.00	60.00	60.00	60.00	60.00	60 00	60 00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	50 D
551-0003-0184-00	3972 DELMAR AVENUE	CHEMOT	10	600.00	30.00	30.00	30.00	30 00	30 00	30 00	30.00	30.00	30.00	30.00	30 00	30.00	30.00	30.00	30 00	30.00	30.00	30.00	30.00	300
551-0003-0186-00	3976 DELMAR AVENUE	CHEMOT	1	1,200.00	60.00	60.00	60.00	60 00	50 00 60 00	60 00	50.00 60.00	60.00	60 00	60 00	60.00	50.00	60.00	60.00	60 00	60.00	50.00	60.00	50.00	50 D
551-0011-0029-00	3982 DELMAR AVENUE	CHEMOT	1	1,200.00	60.00	60.00	60.00	60 00	60 00	60 00	60.00	60.00	60 00	60.00	60.00	60.00	60.00	60.00	60 00	60.00	60.00	60.00		60.0
551-0007-0141-00	4115 ST MARTINS PLACE	CHEMOT	1 10	1,645.20	82.26	82.26	82.26	87 26	82 26	82.26	87 26	82 26	87.26	60.00 62.26	82.26	82.26	82.76	82.26	82.26	82.26	82.26	82.26	60.00	82 7
	4128 ST MARTINS PLACE	CHEMIOT	1 10	1,980 00	99.00	99.00	99.00	99.00	99.00	99.00	99 OO	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99.00	99 00
014007-0129-00	14120 STANSMINISPERCE		Total	\$68,626.00	39.00	59.00	99.00	99.00	99.00	99.00	99 00	99.00	99.00	99.00 {	99.00	99 00	79.00	99.00	99.00	99.00	93.00	99.00 [	99.00	99 00

### **CERTIFICATE OF TRUE AN ACCURATE COPY**

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, Ordinance 21-16, is taken and copied from the original record of proceedings of the Council of the City of Cheviot, Hamilton County, that is has been compared by me with the ordinance of record, and that is a true and accurate copy. I further certify that the adoption of Ordinance 21-16 occurred in an open meeting held in compliance with R.C 121.22.

Jenny M. Eilermann, Clerk of Council