

RESOLUTION NO. 17-747

A RESOLUTION DECLARING IT NECESSARY  
TO REPAIR SIDEWALKS ON ELM STREET, WEST FORDHAM PLACE, NORTH FORDHAM  
PLACE, AND SOUTH AVENUE IN SILVERTON, OHIO

WHEREAS, the Silverton Code of Ordinances §95.30 makes it the responsibility of adjacent property owners to repair and maintain sidewalks abutting their property; and

WHEREAS, the Mayor and Council deem it necessary to ensure that all sidewalks inside Silverton are kept in good repair, and seek to assist property owners with their responsibility to repair and maintain sidewalks by launching a new sidewalk program in 2017 to inspect and repair all sidewalks throughout the community over time; and

WHEREAS, the Mayor and Council established a new procedure to systematically replace sidewalk sections in designated areas annually, subject to the budget and discretion of Council, by the adoption of Ordinance 17-3538 on January 19, 2017; and

WHEREAS, the Village Manager has prepared plans, specifications, profiles and an estimate of costs for a proposed sidewalk improvement project on Elm Street, West Fordham Place, North Fordham Place, and South Avenue. These plans are on file for viewing by the public in the Office of the Clerk of Council. These selected streets were included in the Village of Silverton's road schedule between 2014 and 2015; and

WHEREAS, property owners who disagree with the Village Manager's identification of sidewalk sections to be replaced shall have the right to appeal to the Board of Zoning Appeals pursuant to §95.34 of the Silverton Code of Ordinances; and

WHEREAS, the amount of tax assessments for the 50% of the cost to be borne by the property owner shall be limited to no more than \$150 per year per property owner to enable the property owners to incrementally repay the costs of the repair associated with their sidewalks.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Silverton, two thirds of all members elected thereto concurring that:

**SECTION I.** It is necessary to make improvements to certain sections of sidewalks that have fallen into disrepair in the Village of Silverton as detailed in Exhibit A attached hereto and made a part hereof in accordance with the plans, specifications, profiles and an estimate of costs for a proposed sidewalk improvements on file in the Office of the Clerk of Council.

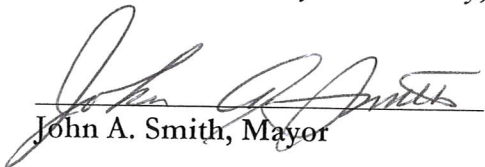
**SECTION II.** The Village of Silverton shall pay no less than 50% of the costs of all such repairs and shall assess the remaining portion of costs against the properties benefiting from the repairs which abut the sections of sidewalks subject to said repairs as detailed in Exhibit A.

**SECTION III.** The Village of Silverton shall assess property in proportion to the benefits which result from the improvement, with the cost to be assessed against the property owner being assessed over three years, unless the costs of doing would result in an annual assessment of more than \$150 per year per property owner. In the event that the property owner's assessment over three years would exceed \$150 per year, the Village shall place an assessment for as many years as is necessary to recover the property owner's cost, as detailed in Exhibit A.

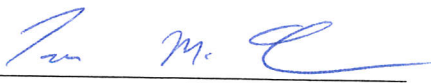
**SECTION IV.** The Village of Silverton intends to pay for the costs of these improvements in 2017 using existing municipal funds available in the Capital Improvement Fund and shall not issue securities for payment of the cost associated with these sidewalk improvements.

**SECTION V.** This Resolution shall be in full force and effect from and after its passage if approved by affirmative vote of five members of Council.

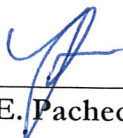
*PASSED this 2<sup>nd</sup> day of February, 2017.*

  
John A. Smith, Mayor

**ATTEST:**

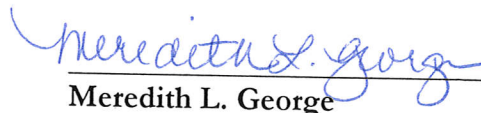
  
Tom Carroll, Village Manager

*Approved as to form:*

  
Bryan E. Pacheco, Village Solicitor

**CERTIFICATION:**

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 17-747 has been duly made by posting true copies in three (3) of the most public places in said municipality, as determined by Council as follows: 1) Parkview Lane at Railroad; 2) Silverton Municipal Building and 3) The Village of Silverton's Website. Said posting was for a period of fifteen days commencing February 7, 2017.

  
Meredith L. George  
Clerk of Council of Silverton, Ohio