

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2015-5

By Nick Haschka Sponsored By Mayor Cyril M. Kleem
Nick Haschka

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A DESIGN-BUILD CONTRACT WITH THE MOST QUALIFIED FIRM AS DETERMINED BY THE BOARD OF CONTROL, FOR THE RENOVATION, REPAIR AND REBUILDING OF THE STORM WATER RETENTION BASIN IN THE SANDSTONE RIDGE SUBDIVISION, AUTHORIZING THE LEVYING OF THE COST THEREOF AGAINST THE PROPERTY ON WHICH THE STORM WATER RETENTION BASIN IS LOCATED, AND DECLARING AN EMERGENCY.

WHEREAS, a large rain event during 2014 caused the Storm Water Retention Basin located in the Sandstone Ridge Subdivision to overflow; and

WHEREAS, that rain event caused the flooding of at least 8 homes located in the Sandstone Ridge Subdivision; and

WHEREAS, as a result of the flooding of homes, the City of Berea has discovered that the Storm Water Retention Basin built in the Sandstone Ridge Subdivision was not built as designed or as approved by the City; and

WHEREAS, as built, the Storm Water Retention Basin does not meet the requirements and standards set forth in Berea Codified Ordinance Chapters 320A and 320B; and

WHEREAS, in order to meet the requirements and standards of the provisions of Berea Codified Ordinance Chapters 320A and 320B, the Storm Water Retention Basin must be enlarged and must have an appropriate spillway installed; and

WHEREAS, the Council of the City of Berea, in Ordinance 2015-2 has determined that the condition of the Storm Water Retention Basin, as it currently exists, constitutes a nuisance condition which must be abated; and

WHEREAS, the owner of the property on which the Storm Water Retention Basin sits has failed and refused to take necessary action to abate the nuisance condition from September of 2014 to the present time; and

WHEREAS, this Council finds that the threat of further flooding occurrences is greater because of the current condition of the improperly built Storm Water Retention Basin, and that greater risk of flooding constitutes an emergency condition as the season of spring nears.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, County of Cuyahoga, State of Ohio:

SECTION 1: That this Council finds and declares that the work to be done as authorized by this Ordinance is necessary as an emergency because of the threat of flooding due to the inadequate size of the Storm Water Retention Basin as constructed.

SECTION 2: That the Mayor is hereby authorized to enter into a Design-Build Contract with the most qualified firm, as determined by the Board of Control, for the work necessary to repair and reconstruct the Storm Water Retention Basin located in the Sandstone Ridge Subdivision so that the said Storm Water Retention Basin meets the standards, provisions and requirements of Berea Codified Ordinance Chapters 320A and 320B.

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SECTION 3: That the funds necessary to the carrying out of the provisions of this Ordinance be, and the same are hereby appropriated and shall be, expended from the Sewer Capital Improvement Fund (Fund No.420).

SECTION 4: That the Mayor and/or his designee is further authorized upon partial and upon final completion of this project, to issue an invoice to the owner of the property on which said Storm Water Retention Basin is located and to certify the amount of the cost of the abatement of this nuisance condition onto the Tax Duplicate for such property together with a penalty of Twenty Per-Cent (20%) and interest at Eighteen Per-Cent (18%) per annum if the invoice is not timely paid.

SECTION 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

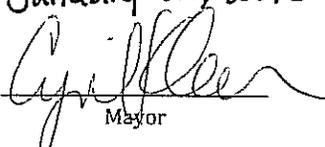
SECTION 6: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is immediately necessary to begin, conduct and complete the reconstruction and improvement to the Storm Water Retention Basin located in the Sandstone Ridge Subdivision so that the said Storm Water Retention Basin provides the most appropriate protection for the residents and homeowners within the subdivision, and so that it meets the standards, provisions and requirements of Berea Codified Ordinance Chapters 320A and 320B. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: January 26, 2015



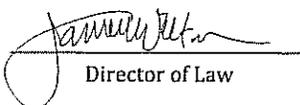
President of Council

ATTEST: Alyssa Evans
Clerk of Council

APPROVED: January 28, 2015


Mayor

Approved as to Form:



Director of Law