

ORDINANCE NO. 9 , 2022

**AN ORDINANCE TERMINATING ASSESSMENTS FOR THE RESERVE OF MONTGOMERY AND DECLARING AN EMERGENCY**

**WHEREAS**, in November 1992, Council passed Resolution 92-65 declaring the necessity to design, engineer and construct certain public improvements within the Reserve of Montgomery, which public improvements were to be funded by the levying of special assessments; and

**WHEREAS**, in March 1993, Council did determine the estimated cost of such public improvements and initiated the necessary steps to assess the cost of such public improvements upon the properties located within the Reserve of Montgomery; and

**WHEREAS**, in June 1995, Council passed Ordinance 15, 1995 levying assessments against the properties within the Reserve of Montgomery at a cumulative cost of \$2,635,000.00, which assessments were properly levied upon lots within the Reserve of Montgomery subdivision; and

**WHEREAS**, Council did pass legislation to fund the cost of these public improvements through the issuance of bonds, which bonds now have been fully retired; and

**WHEREAS**, pursuant to R.C. § 727.38, with the bond cost for such public improvements having been retired and the cost of such public improvements having been assessed and fully paid, it is appropriate for Council to terminate such assessment, determine the excess amount which has been paid and received, and proceed to rebate such excess assessments to the property owners against whom such assessments have been levied.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** The special assessments passed by Council and levied against the properties of the Reserve of Montgomery, as identified on the attached Schedule A, are hereby terminated. All monies received in Fund 328, *Reserve Bond Retirement*, representing collection of special assessments for the Reserve of Montgomery, once the final settlements have been received, shall be apportioned equally among the properties identified on the attached Schedule A who have paid such assessment in installments through the County real estate tax collections, and the amount of the excess collected at the close of the Fund shall be then rebated proportionately to each of these properties as such ownership is identified on the current records of the Hamilton County Auditor.

**SECTION 2.** The Director of Finance and the City Manager are hereby authorized to execute such additional documentation as may be necessary to terminate the assessment, to allocate the excess assessment, and to pay such excess assessment consistent with this Ordinance and as required by Ohio law.

**SECTION 3.** In order to effectively terminate this assessment, this Ordinance is declared to be an emergency necessary for the public health, safety and welfare, and it shall take effect immediately upon passage.

PASSED: November 2, 2022

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Craig D. Margolis  
Craig D. Margolis, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director

Schedule A

Reserve of Montgomery Parcels

Released from Assessment

603-0023-0286-00  
603-0023-0287-00  
603-0023-0288-00  
603-0023-0289-00  
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