

## **ORDINANCE NO. 2008 - 43**

**AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS UPON ALL LOTS AND LANDS WITHIN THE VILLAGE OF ARLINGTON, OHIO, AT THE RATE OF 1.7 MILLS OF THE TAX VALUE OF THE PROPERTY ASSESSED TO PROVIDE FOR THE LIGHTING OF THE STREETS, ALLEYS AND PUBLIC PLACES AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS WITHIN A DESIGNATED DISTRICT OF THE VILLAGE OF ARLINGTON, OHIO, AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Arlington is without funds to pay the rental cost of lighting the streets, alleys and public places of the Village, and;

WHEREAS, it is deemed necessary and conducive to the citizens of this community to continue said street lighting system and to provide for trimming, maintaining, plating and removing of shade trees to allow proper illumination from said street lights, and;

WHEREAS, Section 727.011 of the Ohio Revised Code, provides for the establishment of districts within the boundaries of a municipal corporation within which the Council may provide for the control, planting, care and maintenance of shade trees, and;

WHEREAS, Section 727.114 of the Ohio Revised Code provides a method of special assessment by which such costs may be assessed against the benefitted property and it is now determined that each and every parcel of land and lot within the corporate limits of the Village of Arlington is specially benefitted by reason of the depreciated value in the event of failure of the street lighting system.

NOW, THEREFORE, BE IT ORDAINED by the Village of Arlington, Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the entire incorporated area of the Village of Arlington, Ohio, is hereby established as a district within which, from time to time, the control, planting, care and maintenance of shade trees shall be effected.

SECTION 2: That the assessment of the cost and expense, except a fiftieth part thereof, of planting, maintaining, trimming, and removing shade trees and lighting the streets, alleys, and public places of the Village of Arlington, Ohio, as now installed, be and is hereby levied upon all lots and lands within said Village, and which assessments shall be the rate of 1.7 Mills of the tax value of the property assessed as listed on the tax records in the County Auditor's Office, and are not in excess of any statutory limitation. Said assessments shall be for the 2009 tax year.


SECTION 3: That one fiftieth of the part of the cost of planting, maintaining, trimming, and removing shade trees and lighting said streets, alleys, and public places of the Village of Arlington, Ohio, shall be paid by the Village of Arlington from the general tax fund to be collected as other general taxes.


SECTION 4: That the total assessment against each lot or parcel of land shall be payable in each case within Thirty (30) days from and after the passage of this ordinance and publication of legal notice. all assessments remaining unpaid at the expiration of said Thirty (30) days shall be certified by the Clerk of this Council to the County Auditor, as provided by law to be by him placed on the tax duplicate and collected as other taxes are collected.

SECTION 5: That the assessments so collected shall be placed in a separate and distinct fund and shall be used for not other purpose whatsoever.

SECTION 6: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the Village of Arlington and for the further reason it is immediately necessary to enact said legislation so as not to deplete the existing Tree Maintenance Fund,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

  
PRESIDENT OF COUNCIL

  
MAYOR

PASSED 8/18/08

ATTEST   
FISCAL OFFICER

APPROVED 8/18/08