

ORDINANCE NO. 26- 2024

AN ORDINANCE IMPOSING AN ADDITIONAL SANITARY SEWER TAP IN CHARGE FOR PROPERTIES SPECIALLY BENEFITTED BY THE NEW SANITARY SEWER INTERCONNECT LINE; AND DECLARING AN EMERGENCY.

WHEREAS, on February 7, 2018, the Village and Board of Lake County Commissioners entered into related agreements for the transfer of the Village's waterworks and sanitary sewage systems to Lake County whereby the County would assume ownership of the systems and provide all services to customers within the Village service area, thereby leading to a reduction in cost of services as well as the Village's ability to decommission its waste water treatment plant; and

WHEREAS, critical to these agreements and the public benefits derived therefrom was the construction of a new 30" sanitary sewer trunk line that will interconnect with the County's system to divert sewage from the Village waste water treatment plant to the County's system for treatment (the "Project"); and

WHEREAS, the Project has now been completed at a cost of approximately \$7.5 million incurred by the Village; and

WHEREAS, installation of the new line also results in sanitary sewage service now being available to properties without having to pay for the costs and expenses of a new 8" main line, which costs and expenses would ordinarily be borne solely by these benefitted properties; and

WHEREAS, the benefitted parcels which are the subject of this Ordinance are identified in Exhibit "1," which is attached hereto and incorporated by this reference as if fully re-written; and

WHEREAS, the Village Engineer has submitted his cost breakdown for such a new 8" main, totaling \$382,566.00, which equates to \$52.24 per linear foot; and

WHEREAS, it would be inequitable for all customers to absorb the full costs and expenses of the Project in light of the significant cost savings to the benefitted properties by virtue of not having to pay the full costs and expenses were a new 8" main constructed to serve these parcels; and

WHEREAS, the equitable approach enacted by this Ordinance is to impose an additional tap-in charge for the benefitted parcels, which shall be in addition to the general tap-in charges applicable all new customers, and, to do so based upon the shared \$382,566.00 saved by these benefitted parcels, to be imposed in the sum of \$52.24 per linear foot of property frontage; and

WHEREAS, pursuant to the Charter and plenary powers conferred upon the Village by §§ 3, 4 and 7 of Article XVIII of the Ohio Constitution, the Council now desires to impose the additional sanitary sewer tap-in charge as detailed above upon the benefitted parcels.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That there is hereby imposed an additional sanitary sewer tap-in fee in the sum of \$52.24 per linear foot of property frontage, to be collected as a condition of any of the parcels identified in Exhibit "1" connecting sanitary sewerage service to the municipal (and County, as applicable) sanitary sewer system.

SECTION 2. That in accordance with the Village's agreement(s) with the Lake County Board of Commissioners, this additional tap-in fee is and shall continue to be imposed upon and after the sanitary sewer system transfer to Lake County to be collected and applied exclusively to retire Village debt incurred for construction of the 30" sanitary sewer trunk line interconnect.

SECTION 3. 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 any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the Village of Madison as detailed in the preamble to impose a charge which will avoid passing of an expense that by law is exclusively the responsibility of a system customer; WHEREFORE, this Ordinance shall take effect and be in force from and immediately upon passage.

PASSED:



Mark V. Vest,
President of Council

1st Reading:

August 26, 2024

POTENTIAL SANITARY SEWER INTERCONNECT PARCELS

EXHIBIT "1"

PIN

01-B-107-0-00-015-0
01-B-107-0-00-016-0
01-B-107-0-00-017-0
01-B-107-0-00-013-0
02-A-014-0-00-016-0
02-A-014-0-00-015-0
01-B-107-0-00-018-0
01-B-107-0-00-043-0
02-A-014-0-00-008-0
02-A-014-0-00-007-0
02-A-014-0-00-005-0
02-A-014-0-00-006-0
02-A-014-0-00-004-0
02-A-016-0-00-006-0
02-A-005-B-00-030-0
02-A-014-0-00-012-0
02-A-014-0-00-013-0
02-A-014-0-00-011-0
02-A-005-B-00-026-0
02-A-014-0-00-010-0
02-A-015-0-00-013-0
02-A-016-0-00-008-0
02-A-017-0-00-006-0
02-A-017-0-00-002-0
02-A-017-0-00-003-0
02-A-017-0-00-004-0
02-A-017-0-00-007-0
02-A-017-0-00-005-0
01-A-003-0-00-021-0
02-A-016-B-00-005-0
02-A-016-B-00-006-0
02-A-016-B-00-007-0
02-A-016-B-00-008-0
02-A-016-0-00-003-0
02-A-016-0-00-001-0
02-A-017-0-00-001-0
02-A-016-B-00-001-0
02-A-016-B-00-002-0
02-A-016-B-00-003-0
02-A-016-B-00-004-0
02-A-016-0-00-002-0
02-A-016-0-00-007-0

PIN

02-A-005-B-00-029-0
02-A-014-0-00-002-0
02-A-005-B-00-028-0
02-A-014-0-00-001-0
02-A-005-B-00-027-0
02-A-005-B-00-025-0
02-A-005-B-00-031-0
02-A-015-B-00-031-0
02-A-015-0-00-001-0
02-A-015-0-00-019-0

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton, Jr.,
Mayor

8/26/2024
Date