



Ohio Revised Code

Section 727.12 Filing plans - resolution of necessity.

Effective: November 1, 1991

Legislation: House Bill 104 - 119th General Assembly

When it is deemed necessary by a municipal corporation to make a public improvement to be paid for in whole or in part by special assessments levied under this chapter, plans, specifications, profiles of the proposed improvement showing the proposed grade of the street and improvement after completion with reference to the property abutting thereon, and an estimate of the cost of the improvement shall be prepared and filed in the office of the clerk of the legislative authority of the municipal corporation and shall be open to the inspection of all persons interested. After such plans, specifications, profiles, and estimate of cost of the improvement have been filed, as provided in this section, the legislative authority of the municipal corporation may declare the necessity for such improvement by the passage of a resolution.

Such resolution shall:

- (A) State the nature and location of the improvement and the lots or parcels of land to be assessed for the improvement;
- (B) Approve the plans, specifications, profiles, and estimate of cost of the proposed improvement on file as provided by this section;
- (C) State what part of the cost of the improvement is to be paid for by the municipal corporation and what part is to be paid for by special assessments;
- (D) State whether the method of levying the special assessments shall be:
 - (1) By a percentage of the tax value of the property assessed;
 - (2) In proportion to the benefits which may result from the improvement;
 - (3) By the foot front of the property bounding and abutting upon the improvement.



(E) State the mode of payment, the payment schedule or schedules according to which the special assessments to be levied will be payable, and, if more than one payment schedule is authorized, criteria for use of the different schedules. In no case shall the use of different payment schedules affect the amount of special assessment levied on any lot or parcel of land assessed.

(F) State whether the municipal corporation intends to issue securities in anticipation of the levy of the special assessments;

(G) State whether the municipal corporation intends to issue securities in anticipation of the collection of the special assessments;

(H) Provide for the preparation of an estimated assessment in accordance with the method of assessment set forth in the resolution, showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be filed in the office of the clerk of the legislative authority of the municipal corporation.

Such resolution may also provide for the assessment to be levied and collected before the improvement for which the assessment is levied is commenced.

The passage of such resolution shall require the concurrence of three-fourths of the members elected to the legislative authority unless petitioned for by the owners of a majority of the front footage or the area to be assessed, in which event the passage of such resolution shall require the concurrence of a majority of such members. Such resolution shall be published as other resolutions are published.