



MEMO TO: Mayor and Councilmembers

FROM: Patrick Burtch, City Administrator

DATE: September 16, 2024

SUBJECT: Homecoming parade and road closures

Recommendation:

Authorize the closure of roads at Maumee Intermediate School on Wednesday, October 9th from approximately 530pm-7pm for the Homecoming Parade. The route will start at Maumee Intermediate School, down 7th Street to Craig Rd, then to Fort St, turning to Mannik Way to Maumee High School.

City of Maumee DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Administrator

FROM: Bob Simon, Supervisor

DATE: August 30, 2024

RECOMMENDATION: Declare the following Public Service Department equipment, (1) ODB tow behind leaf collector and (1) Titan leaf cap as surplus, authorize the sale of said leaf collector and leaf cap on Govdeals, and authorize the City Administrator effectuate the sale.

SUMMARY

The Public Service Department requests (1) tow behind leaf collector and (1) leaf cap to surplus and sell on Govdeals.com.

BUDGETARY CONSIDERATIONS

The Public Service Department requests (1) tow behind leaf collector and (1) leaf cap be declared surplus by City Council and sell through Govdeals.com.

HISTORY, BACKGROUND and DISCUSSION of the ISSUE

The Public Service Department requests (1) tow behind leaf collector and (1) leaf cap be declared surplus by City Council and sell through Govdeals.com. With the addition of the fourth one-person leaf truck last season, it has been determined that this equipment is no longer needed.

2018 ODB leaf collector SN# 09187998 Vin#1Z9PL1619JR168126

(1) Titan leaf cap

POSITIONS

Requested action is for Maumee City Council to declare the (1) tow behind leaf collector and the (1) leaf cap as surplus and sell through Govdeals.com.





LEASE AGREEMENT

CITY OF MAUMEE, an Ohio Municipality with offices located at 400 Conant Street, Maumee, Ohio 43537 (herein "Lessor") and MAUMEE SENIORS INC., an Ohio Non-Profit Corporation, with offices located at 2430 S. Detroit Avenue, Maumee, Ohio 43537 (herein "Lessee"), hereby agree as follows:

1. **Leased Premises.** Lessor, in consideration of the rents to be paid and covenants to be performed by Lessee hereunder, hereby leases to Lessee for the term and subject to the covenants and conditions a tract of land, located at 2430 S. Detroit Avenue, Maumee, Ohio 43537 (herein "the premises"), more specifically described as parcel number 36-02004 in the City of Maumee in the County of Lucas and State of Ohio, as described in a certain deed recorded in Official Records 92 291C05, Lucas, County. A legal description of the premises is attached hereto as Exhibit A. Lessee shall have use of the public parking lot on the premises for parking purposes only.

2. **Term.** The term of this will be for a term commencing on the 16th day of September 2024 and terminating on the 31st day of December 2025 at 11:59 P.M.

3. **Rent.** Lessee will pay Lessors as rent for the premises during this initial lease term the sum of one dollar (\$ 1) payable in advance on or before the 30th day of September of 2024, payable to Lessor at 400 Conant Street, or at such other place as Lessor may designate.

Renewal Option. Lessee shall have the option to extend the Term of the Lease for one (1) additional period of two (2) years to commence immediately upon the expiration of the term of this lease, provided Lessee is not in default of any term, covenant or condition of the Lease and provided Maumee City Council approves the term of the renewal. In order to exercise its options granted herein, Lessee shall notify Lessor in writing of its intent to renew not less than three (3) months prior to the expiration of the term of this lease. Upon the exercise of this renewal option, the Lease shall continue under all the same terms and conditions.

Late Charge. Lessee shall be subject to a late penalty charge per late payment of \$50.00 per missed payment should the rent be paid more than 15 days past the due date.

Utilities. Lessee shall be responsible for transferring all billings for utilities into its name and shall be liable for all utility services required on the premises, except for water and

sewer services which shall remain in the name of Lessor and be paid by Lessor. Lessor will pay reasonable expenses for the electric and gas service to the premises not to exceed the amount appropriated by Maumee City Council. Any utility bills exceeding the amount appropriated by city council will be the responsibility of Lessee. Lessee shall cooperate in providing Lessor with any financial information that may be requested.

Insurance. Lessee shall procure and maintain for the duration of the lease, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Lessee's operation and use of the leased premises. The cost of such insurance shall be borne by the Lessee, at its sole cost and expense. Lessee shall maintain liability insurance against claims for bodily injury, death, and/or property damage, occurring on, in or about the Premises in or about the adjoining streets, property and passageways, such insurance to afford protection during the term of this Lease and any renewals of said lease, of not less than One Million Dollars (\$1,000,000.00) per occurrence and of not less than One Million Five Hundred Thousand Dollars (\$1,500,000.00) for property damage. Lessee shall also carry insurance covering Lessee's personal property on the Premises, and Lessor shall have no liability whatsoever for Lessee's personal property. Lessee shall provide Lessor with a certificate of insurance evidencing such coverage upon request and name the Lessor as an additional insured on each such policy. All insurance is set forth in this section shall be in form with such companies as are reasonably satisfactory to Lessor, shall provide that such policies shall not be subject to cancellation, termination or change except after at least thirty (30) days prior written notice to Lessor. If Lessee fails to comply with such requirements, Lessor may, but shall not be obligated to, obtain such insurance to keep the same in effect, and Lessee shall pay Lessor its premium costs upon demand. The parties agree that the property and liability insurance requirements may be modified in the future to reflect the value of the premises or to increase liability coverages.

Real Estate Tax. Lessor shall be responsible for the real estate taxes for the premises, provided lessee takes no action or engages in any activities which may cause the parcel to be taxable. In the event that taxes become charged to the City that are caused by actions or activities of lessee, Lessee shall be responsible for the same on a pro rata basis for the tax year being assessed and tax years thereafter for which taxes are assessed.

4. **Use of Premises.** Lessee agrees to use said premises as a senior center, a multi-purpose center to provide services for Maumee Senior citizens. Lessee will not allow or use illegal drugs, including marijuana or allow excessive use of alcoholic substances upon the premises. Lessee shall not allow smoking or vaping on the premises. Lessee will not commit or suffer any waste in the premises, use the premises or permit them to be used for any unlawful purpose or any illegal, dangerous, noxious, or offensive activity or cause or maintain any nuisance in the premises. Lessee shall comply with Ohio Revised Code Section 9.03 including those provisions which prohibit the support or opposition of any tax levy. At the end of the term of this lease Lessee will deliver up the premises in as good an order and condition as they now are, or may be put by Lessor or Lessee, reasonable use and ordinary wear and tear thereof and damage by fire or other casualty excepted. Lessee shall obtain renter's contents and liability

insurance and shall be personally liable for any and all injuries which could occur on the premises and agrees to indemnify and hold Lessor harmless for any damages which it may incur due to any such injuries.

Lessee shall defend, indemnify, and hold harmless the City of Maumee, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of Lessee's use of Premises, or from the conduct of Lessee's business, or from any activity, work or thing done, permitted, or suffered by Lessee in or about the Premises. Lessee acknowledges that the City of Maumee does not control the activities or operations of the Senior Center and that Maumee Seniors Inc, and its employees, agents and volunteers are solely responsible for the activities and operations taking place at the premises. The provisions of this section shall survive the expiration or termination of this Agreement.

5. **Damage or Destruction to Premises.** If the premises are rendered unleaseable by fire or other casualty, Lessee will vacate the premises within 10 days and will pay no further rent following the damage or destruction and Lessor will refund to Lessee the unearned portion of any rent paid in advance prorated to the date of damage or destruction.

6. **Condition of Premises.** Lessee stipulates that they have examined the demised premises, including the grounds and all buildings and improvements, and that they are, at the time of this lease, in good order, repair, and in a safe, clean, and leaseable condition to their satisfaction and that they are leasing the property "AS IS"

7. **Repairs and Maintenance.**

a. Lessee shall keep and maintain the interior of the premises free from dirt and refuse, and in good order, condition, and repair. Lessee shall provide for annual maintenance of the HVAC and fire suppression hoods with a contractor approved by Lessor. No repairs shall be conducted by Lessee without the written approval of Lessor. Lessor shall promptly make all repairs or replacements becoming necessary during the term, including glass and windows, the elevator, automatic doors, plumbing and electrical equipment located in the interior of the building, except if it is for damage caused by Lessee or its guests. In addition, Lessor shall repair any HVAC equipment unless the repairs are due to the actions of the Lessee. Lessor shall provide for snow removal in the parking areas and maintain the parking area. Lessee shall mow the lawn at the premises and also keep and maintain landscaping and provide snow removal for the walkways. Lessee shall provide notice to Lessor of all annual maintenance performed on the HVAC system and hood and of any repairs.

8. **Alterations.** Without the prior written consent of Lessor, the Lessee shall make no structural alterations to the building or the rented premises or construct any building or make other structural improvements on the premises. Lessee has the authority to make such improvements to the interior of the premises as necessary for the maintenance and operation of the senior center upon written approval of lessor. A violation of this item, with the exception of

fixtures installed by lessee and removable without damage to the premises and movable personal property, shall be deemed default under this lease.

Any alterations preapproved or otherwise must be done at Lessee's expense and will remain with the premises upon expiration of this lease. Lessee agrees to forfeit all rights to fixtures, alterations and/or improvements as well as reimbursement of expenses therefore upon termination of the lease, abandonment of the property or when vacating the property.

9. **Assignment and Sublease.** Lessee may sublet or rent the premises or any portion of the premises and shall provide Lessor with a copy of all sublease agreements for their review upon request. All rent/payments from subleases or for use of the premises by other entities, shall be retained by Lessee for use for a valid public purpose for the citizens of Maumee, as allowed by law for expenses of Lessee. All subleases shall also comply with Ohio Revised Code Section 9.03. Lessee shall provide Lessor with an accounting of all rental funds received by Lessee for use of the premises on a quarterly basis. Failure to comply with these guidelines for use of the premises and rental funds could result in termination of the lease and termination of further payments by City Council to Maumee Seniors Inc. and . A default under this item shall also be deemed a default of the entire lease.

10. **Dangerous Materials.** Lessee shall not keep or have on the leased premises anything of a dangerous, inflammable, or explosive character that might unreasonably increase the danger of fire on the leased premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

11. **Inspection.** Lessor and its agents shall have the right at all reasonable times during the term of this lease and any renewal thereof to enter the demised premises for the purpose of inspecting the premises and all building and improvements thereon. Twenty-Four-hour notice will be deemed to be "reasonable." Furthermore, in the event of an emergency, said Lessor may enter the property without notice to protect said property.

12. **Display of Signs.** Lessor or its agent, during the last thirty days of this lease, shall have the privilege of displaying the usual "For Sale" or "For Rent" or "Vacancy" signs on the demised premises and of showing the property to prospective purchasers of Lessees. Lessee shall not place any signs on said building without the prior written consent of Lessor and Lessee comply with the City of Maumee code as to any signs it wishes to place on said premises. No political signs shall be allowed on the premises.

13. **Subordination of Lease.** This lease and Lessee's leasehold interest hereunder are and shall be subject, subordinate, and inferior to, any liens or encumbrances now or hereafter placed on the demised premises by Lessor, all advances made under any such liens or encumbrances, the interest payable on any such liens or encumbrances, and any and all renewals or extensions of such liens or encumbrances.

14. **Default.** In the event that:

- a. The rent, or any part thereof, remains unpaid for 30 days after being due.
- b. Lessee's interest herein is sold under execution or other legal process.
- c. Lessee makes an assignment for the benefit of creditors.
- d. Any proceeding in bankruptcy, an arrangement or re-organization or any other proceeding under any insolvency law, is instituted by or against Lessee.
- e. A receiver or trustee is appointed for the property of Lessee; or
- f. Lessee fails to keep any of the other covenants of this lease, it will be lawful for Lessor to re-enter and repossess the premises by any lawful means and thereupon this lease shall terminate.
- g. Lessee's failure to maintain its status as a non-profit corporation in good standing or ceases operation as a Senior Center.
- h. Lessee breaches any term of this lease.

15. **Quiet Enjoyment.** Lessor agrees that if Lessee pays the rents and keeps and performs the covenants of this lease on the part of Lessee to be kept and performed, Lessee will peaceably and quietly occupy the premises during the term hereof without any hindrance, ejection or molestation by Lessor or any person lawfully claiming under Lessor.

16. **Abandonment.** If at any time during the term of this lease Lessee abandons the premises or any part thereof, Lessor may, at his option, enter the premises by any means without being liable for any prosecution therefore, and without becoming liable to Lessee for damages or for any payment of any kind whatever, and may, at his discretion, as agent for Lessor, relet the premises, or any part thereof, for the whole or any part of the then unexpired terms, and may receive and collect all rent payable by virtue of such reletting, and at Lessor's option, hold Lessee liable for any difference between the rent that would have been payable under this lease during the balance of the unexpired term, if this lease had continued in force, and the net rent for such period realized by Lessor by means of such reletting. If Lessor's right of re-entry is exercised following abandonment of the premises by Lessee, then Lessor shall be entitled to retain all fixtures and may consider any personal property belonging to Lessee and left on the premises to also have been abandoned, in which case Lessor may dispose of all such personal property in any manner Lessor shall deem proper and is hereby relieved of all liability for doing so.

17. **Binding Effect.** This lease and the agreements of Lessors and Lessees contained herein shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

The language in this Lease shall be interpreted as to its fair meaning and not strictly for or against any party. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Lease. The headings in this Lease are included for convenience only and shall neither affect the construction or interpretation of any provision of this Lease nor affect any of the rights or obligations of the parties to this Lease. Should any part of this Lease be held invalid or unenforceable, that portion shall be construed as much as possibly consistent with applicable law and the remaining portions shall remain in full

force and effect. Lessors' failure to enforce any provision of this Lease shall not be deemed a waiver of such provision nor of the right to enforce such provision. The parties' rights under this Lease shall survive any termination of this Lease for the purpose of enforcing the duties and obligations of the respective parties subsequent to such termination.

18. **Applicable Law.** This Lease shall be governed by and construed and enforced in accordance with the internal laws of the State of Ohio and shall be deemed to have been entered in the State of Ohio.

19. **Entire Understanding.** This Lease sets forth the entire agreement and understanding of the parties with respect to the matters set forth herein and supersedes any and all prior agreements, arrangements, and understandings among the parties.

20. **Notices.** Notices hereunder shall be sufficient if sent by certified mail to the address listed below:

Lessor: City of Maumee, 400 Conant Street, Maumee, Ohio 43537

Lessee: Maumee Seniors Inc., 2430 S. Detroit Avenue Maumee Ohio 43537

WHEREAS, Lessors and Lessees have executed this agreement on the ____ day of _____, 2024.

LESSOR:

CITY OF MAUMEE, an Ohio Corporation

By: _____
James MacDonald

Its: Mayor

LESSEE:

MAUMEE SENIORS INC, an Ohio Non-Profit Corporation

By: Joseph Lachapelle

By: Joseph Lachapelle

State of Ohio, County of Lucas } ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by James MacDonald, Mayor of CITY OF MAUMEE, an Ohio Corporation, on behalf of said corporation.

Notary Public

LIABILITY AND INDEMNIFICATION AGREEMENT

This Liability and Indemnification Agreement ("Agreement"), dated September 2024 is made between Maumee Seniors Inc. an Ohio Nonprofit Corporation with a principle place of business located at 2430 South Detroit Avenue, Maumee, Ohio 43537 and the City of Maumee, 400 Conant Street, Maumee, Ohio 43537.

In consideration of and return for the use of City of Maumee facilities located at 2430 South Detroit Avenue, Maumee, Ohio, and other financial assistance provided to Maumee Seniors Inc. by the City of Maumee, the undersigned agree to the following terms and conditions in connection with the provision of the building and provision of financial assistance. The undersigned Maumee Seniors Inc. shall defend, indemnify, and hold harmless the City of Maumee, its Directors, City Administrator, City Council, Mayor, Officers, servants, and employees from and against any and all claims, liability, losses, third party claims, damages, costs, or expenses (including attorney's fees) arising out of or resulting from findings for recovery by the State Auditor related to the provision related to the provision of the building located at 2430 South Detroit Avenue in Maumee, the provision of funds by the City of Maumee, the requirements of Ohio Revised Code Section 9.03 and as to rental income that Maumee Seniors Inc. retains from their subrental of the building located at 2430 South Detroit Avenue in Maumee provided by the City of Maumee pursuant to that certain Lease Agreement between Maumee Seniors Inc. and the City of Maumee.

The undersigned acknowledge that there are limits on the provision of public funds to any entity or agency and that the Ohio State Auditor could make claims that relate to the provision of the building located at 2430 South Detroit Avenue in Maumee, the provision of funds by the City of Maumee, and the subrental income being retained by Maumee Seniors Inc. do not serve a proper public purpose. The auditor could determine that a public purpose as defined by Ohio law is not met by these transactions. and/or that the Maumee Senior center has used funds received from Maumee for a non-public purpose. The undersigned agree that if the Ohio State auditor or any other state agency requires the return of said funds or makes a finding for recovery against the City of Maumee or its Directors, City Manager, City Council, Mayor, Officers, servants, and employees that Maumee Seniors Inc. shall be liable for any amounts required to be repaid by the Auditor.

The forgoing express obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the City of Maumee that would otherwise exist. Maumee shall provide Maumee Seniors Inc. prompt and timely notice of any claims, threatened or made, or any lawsuit instituted against it which could result in a claim for indemnification hereunder. The extent of this Agreement of indemnification shall not be limited by any obligation or any term or condition of any insurance policy. The obligations set forth above shall survive the expiration or termination of this Agreement.

Maumee Seniors Inc. represents and warrants that they will perform services and use funds and the building being provided, in accordance with all applicable federal, state, and local laws, regulations, bylaws and ordinances and that they have obtained all requisite permissions from federal, state, and local authorities for operation of a Senior Center.

Miscellaneous

This Agreement is entered into in the Lucas County, State of Ohio and the laws of the State of Ohio without giving effect to its conflicts of law principles, govern all matters arising out of or relating to this Agreement and all of the transactions and matters it contemplates, including, without limitation, its validity, interpretation, construction, performance and enforcement. Maumee Seniors Inc. and the City of Maumee agree to bring any action arising out of or relating to this Agreement or the relationship between

State of Ohio, County of Lucas } ss.

The foregoing instrument was acknowledged before me this 12th day of September, 2024 by MAUMEE SENIORS INC. by Joseph Lehenbauer and NA

Its President



Grace LeeAnn Sherriff
Notary Public, State of Ohio
My Commission Expires 05-11-26

Grace LeeAnn Sherriff
Notary Public

This instrument was prepared by:
Alan Lehenbauer
Maumee Law Director

EXHIBIT A

PARCEL I:

That part of the Southwesterly $\frac{1}{2}$ of Private Grant 579, Town 3 in the United States Reserve of 12 miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Maumee, Lucas County, Ohio, bounded and described as follows:

Beginning at a point in the center line of Detroit Avenue, that is 252.95 feet Southwesterly of the intersection of the center line of Detroit Avenue with the Northeasterly line of the said Southwesterly $\frac{1}{2}$ of Private Grant number 579; thence Southeasterly along a line drawn normal to said center line of Detroit Avenue, a distance of 154.20 feet, more or less, to the Northwesternly line of the right of way, formerly owned by the Toledo, St. Louis and Western Railroad Co., (thereafter conveyed to the City of Maumee); thence Southwesterly along the Northwesternly line of said right of way, a distance of 318.16 feet, more or less, to the center line of Detroit Avenue; thence Northeasterly along the centerline of Detroit Avenue, a distance of 277.98 feet, more or less, to the place of beginning. MB
Subject to legal highways.

PARCEL II:

A strip of land in the Southwesterly $\frac{1}{2}$ of Private Grant 579, Town 3, United States Reserve, which lies between the River Road and Detroit Avenue, in the City of Maumee, Lucas County, Ohio, being a portion of the former right of way of the New York, Chicago and St. Louis Railroad Company, 80 feet in width and 40 feet on each side of the following described centerline:

Beginning at a point in the Northeasterly line of Private Grant 579 and 846.5 feet Northwesternly, measured along the Northeasterly line of said Private Grant 579, from a stone in the Southerly line of the River Road; thence 400 feet, more or less, to a point of tangency on a line making an angle $69^{\circ}34'$ from South to West with the said Northeasterly grant line; thence Southwesterly on a curve to the right, the radius, of which, is 2292.01 feet, a distance of 754 feet, more or less, to the terminal point in the centerline of Detroit Avenue, which point is 179.3 feet Northeasterly of the intersection of the centerline of Detroit Avenue with the Southwesterly line of Private Grant 579.
Subject to legal highways. 1 - m

them in the Lucas County Common Pleas Court, which shall have exclusive jurisdiction thereof and Maumee Seniors Inc. expressly consents to the jurisdiction of this state court in any action brought in connection with this Agreement, waiving any claim or defense that such forum is not convenient or proper.

Maumee Seniors Inc. further represents that they, their board, and their employees, agents and agents have reviewed their obligations under State law and auditing practices related to the provision of the building located at 2430 South Detroit Avenue in Maumee, the provision of funds by the City of Maumee, the retention and use of rental income, and the requirements of Ohio Revised Code section 9.03 and understand that they must comply with these standards. Further Maumee Seniors Inc. acknowledges that they have authorized the undersigned to execute this agreement by the procedures required by their organizational rules and regulations.

Entire Agreement and Amendment

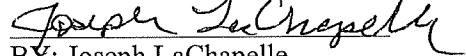
This Agreement may be amended only by written agreement of the parties, executed by the parties' authorized representatives and in compliance with all other regulations and requirements of law. The parties understand and agree that this Agreement constitutes the entire understanding between the parties and supersede all other verbal and written agreements and negotiations by the parties relating to the terms of this Contract.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized officers as of the date first above written.

City of Maumee

James MacDonald-Mayor

Maumee Seniors Inc.


BY: Joseph LaChapelle

Its President

Date: September 12 2024

CITY OF MAUMEE UPTOWN MINI – LOAN/GRANT PROGRAM
APPLICATION

APPLICANT Company Name: Maumee Valley Chocolate & Candy

Address: 101 E. Wayne St Maumee OH 43537

Contact Person: Jason Peters

Telephone: 248-332-2236

COMPANY INFORMATION

Type: LLC

Principal Product/Service: Retail Candy & Chocolate Store

Date Established: 11/2010

Owner(s): Jason Peters

PROPOSED PROJECT

Location: 101 E Wayne / 302 Conant

Project Description: replace windows and door on lower level
of building and replace windows on upper level

Total Funds to be invested: \$100,000

JOBS/PAYROLL INFORMATION

Current Number of Jobs: 2

Most Current Tax Year's Annual Payroll: ~~40,102.22~~ 43,559.22

Estimated New or Retained Jobs at Project Completion: 3

Estimated Property Value at Projection Completion: 650,000

PROJECT FINANCING

Name of Bank Financing the Project if applicable: n/a

Contact Person: _____

Phone: _____

Are there any federal, state, or local funding agencies involved in the
financing of this project? no

If yes please list.

SUBMISSION ACKNOWLEDGEMENTS

As an authorized agent of the applicant company, I hereby submit this application. I understand that any false statement in this application may subject the applicant company and signer to criminal prosecution. I also understand that additional information may be required to complete the application. By signing this application, I am authorizing the financing agencies to provide the City of Maumee, on a confidential basis, with any information required as part of the funding package.

<u>Jason Peters</u>	<u>Owner</u>
Signature	Title
<u>Jason Peters</u>	<u>9-12-24</u>
Typed Name	Date

City of Maumee DEPARTMENTAL REPORT

MEMO TO: Mayor and City Councilmembers
FROM: Jennifer Harkey, Finance Director
DATE: September 13, 2024

RECOMMENDATION: Authorize the Mayor of the city of Maumee to prepare and submit application to participate in the OPWC grant and loan program for the East End Sanitary Sewer Phase 1 project

SUMMARY

The sewers within this project scope are in an area of recommended improvements outlined in the Sanitary Sewer System Evaluation Study (SSES). The grant and loan funding requested in the OPWC application will help to offset the total project cost and make funds available for future projects.

BUDGETARY CONSIDERATIONS

The preliminary engineering estimated total project cost is \$608,000. The funding source is as follows: \$150,000 grant funding; \$150,000 in 0% interest loan funding; remainder paid from the Sewer Fund.

HISTORY, BACKGROUND and DISCUSSION of the ISSUE

This is one of six sewer relining/rehabilitation projects that were recently completed, are currently in progress, or are scheduled to commence in the next two years.

This project location is on Elco Avenue from 7th Street, to Village Trail Dr; Shelly Ave from 7th Street to Village Trail Dr; and Holgate from 7th Street to the second manhole north of Saco Street. Construction will begin in November 2025 and be complete by December 2026.

POSITIONS

Request Council to authorize the Mayor of the city of Maumee to prepare and submit application to participate in the OPWC grant and loan program for the East End Sanitary Sewer Phase 1 project.

RESOLUTION 014-2024

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MAUMEE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Maumee is planning to make capital improvements to the Maumee East End Sanitary Sewer Rehabilitation- Phase 1, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by the City of Maumee:

Section 1: The Mayor is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Mayor is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: This resolution is hereby declared to be an emergency measure and it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law. The reason for the emergency lies in the fact that this resolution is necessary for the immediate preservation of the public peace, health, and safety in that is necessary to make timely application for grant funding.

Motion to declare emergency:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed: September 16, 2024

Mayor.

ATTEST:

Municipal Clerk.

Approved as to form by:

Law Director.

City of Maumee DEPARTMENTAL REPORT

MEMO TO: Mayor and City Councilmembers

FROM: Jennifer Harkey, Finance Director

DATE: September 13, 2024

RECOMMENDATION: Authorize the Mayor of the city of Maumee to prepare and submit application to participate in the OPWC grant and loan program for the Uptown Sanitary Sewer Rehabilitation Phase 5

SUMMARY

The sewers within this project scope are in an area of recommended improvements outlined in the Sanitary Sewer System Evaluation Study (SSES). The grant and loan funding requested in the OPWC application will help to offset the total project cost and make funds available for future projects.

BUDGETARY CONSIDERATIONS

The preliminary engineering estimated total project cost is \$1,020,000. The funding source is as follows: \$250,000 grant funding; \$250,000 in 0% interest loan funding; remainder paid from the Sewer Fund.

HISTORY, BACKGROUND and DISCUSSION of the ISSUE

This is one of six sewer relining/rehabilitation projects that were recently completed, are currently in progress, or are scheduled to commence in the next two years.

This project is located in the following areas: Ford Street from W. William Street to W. Wayne Street; W. William Street from Ford Street to Kingsbury; alley between W. John Street & W. Dudley Street from Ford Street to Kingsbury Street; the alley between W. Dudley Street & W. Wayne Street from Ford Street to Kingsbury Street; and W. Wayne Street from Lacombe Drive to Ford Street. Construction will begin in November 2025 and be complete by December 2026.

POSITIONS

Request Council to authorize the Mayor of the city of Maumee to prepare and submit application to participate in the OPWC grant and loan program for the Uptown Sanitary Sewer Rehabilitation Phase 5

RESOLUTION 015-2024

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MAUMEE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Maumee is planning to make capital improvements to the Maumee Uptown Sanitary Sewer Rehabilitation - Phase V, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by the City of Maumee:

Section 1: The Mayor is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Mayor is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: This resolution is hereby declared to be an emergency measure and it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law. The reason for the emergency lies in the fact that this resolution is necessary for the immediate preservation of the public peace, health, and safety in that is necessary to make timely application for grant funding.

Motion to declare emergency:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed: September 16, 2024

Mayor.

ATTEST:

Municipal Clerk.

Approved as to form by:

Law Director.

RESOLUTION NO. 016 – 2024

A RESOLUTION PROVIDING FOR A TAX LEVY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 2 OF ARTICLE X OF THE CHARTER OF THE CITY OF MAUMEE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, a portion of the territory heretofore annexed by the City of Maumee is located in Springfield Township - Springfield LSD PC VSD, and

WHEREAS, the aggregate millage to be levied for municipal purposes herein would exceed the ten (10) mill limitation unless the provisions of Section 2 ARTICLE X of the Charter of the City of Maumee be placed in operation,

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Maumee, Ohio, that:

SECTION 1. In accordance with the provisions of Section 2 of ARTICLE X of the Charter of the City of Maumee, Ohio, and the provisions of Section 5705.18 (B) of the Revised Code of Ohio, the Auditor of Lucas County, Ohio, and the Budget Commission of Lucas County, Ohio, are hereby requested to certify the tax rate for the City of Maumee for current operating expenses for the next succeeding fiscal year commencing January 1, 2025 in accordance with the following schedule:

Taxing District	Inside Millage	Outside Millage	Total (Pursuant to Charter)
City of Maumee	2.50	6.80	9.30

and the tax rate that shall be levied by the City of Maumee for the 2024/2025 tax duplicate shall be in accordance with the schedule herein above set forth.

SECTION 2. The Municipal Clerk be, and hereby is, directed to certify and forward copies of the Resolution to the Auditor and the Budget Commission of Lucas County, Ohio.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Section 121.22 of the Revised Code of Ohio.

SECTION 4. This resolution is hereby declared an emergency measure and shall take effect and be in force and effect from and after its passage. The reason for the emergency lies in the fact that this resolution is necessary for the immediate preservation of the public peace, health, and safety in that immediate acceptance of this certification from the budget commission is necessary for the Maumee tax budget and for the timely return of this approval to the County Auditor.

Motion to declare an emergency:

Yeas Nays

Motion to Pass:

Yeas Nays

Second:

Second:

PASSED: September 16, 2024.

ATTEST:

Municipal Clerk.

Mayor.

Approved as to form by:

Law Director.

RESOLUTION NO. 017- 2024

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE LUCAS COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY

WHEREAS, This Council in accordance with the provisions of law is preparing a Tax Budget for the next succeeding fiscal year commencing January 1st, 2025; and

WHEREAS, The Budget Commission of Lucas County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill limitation; therefore, be it

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maumee, Lucas County, Ohio that:

SECTION 1. The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further resolved

SECTION 2. There be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation as follows:

Summary of amounts required from general property tax approved by Budget Commission and County Auditor's estimated tax rates.

FUND	Amount to Be Derived from Levies Outside 10-mill Limitation	Amount Approved by Budget Commission Inside 10-mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10-mill Limit	Outside 10-mill Limit
General Fund	\$610,000	\$1,120,000	2.20	1.20
Police Pension	-	150,000	.30	-
Fire	<u>\$2,850,000</u>			<u>5.60</u>
Total	\$3,460,000	\$1,270,000	2.50	6.80

SECTION 3. The Clerk of this Council be, and hereby is, directed to certify a copy of this Resolution to the Auditor of Lucas County.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Section 121.22 of the Revised Code of Ohio.

SECTION 5. This resolution is hereby declared an emergency measure and shall take effect and be in force and effect from and after its passage. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health and safety in that immediate acceptance of this certification from the budget commission is necessary for the Maumee tax budget and for the timely return of this approval to the County Auditor.

Motion to declare emergency:

Yeas: Nays:

Motion to Pass:

Yeas: Nays:

Second:

Second:

Passed: September 16, 2024.

ATTEST:

Municipal Clerk.

Mayor.

Approved as to form by:

Law Director.



MEMO TO: Mayor and City Councilmembers

FROM: Alan Lehenbauer-Law Director

DATE: 9/13/2024

SUBJECT: Inwood Place Resolution of Necessity

Recommendation:

This resolution is a step in the assessment process for the improvement of the roadway and constructing curbs along Inwood Place. The property owners will be provided notice of the passage of this resolution. A subsequent Ordinance will be passed making the assessments at a later date.

RESOLUTION 018-2024

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN LANDS IN THE CITY BY RECONSTRUCTING A ROAD TOGETHER WITH CURBS AND ALL NECESSARY APPURTENANCES FOR INWOOD PLACE, AND DECLARING AN EMERGENCY

WHEREAS, Maumee City Council has previously authorized and requested the Service Department to prepare plans and an estimate of cost for the improvement described in Section 1 of this resolution.

WHEREAS, City Council find that it is necessary to make this public improvement to be paid for in part by special assessment as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maumee, County of Lucas, and State of Ohio, that:

SECTION 1. It is declared necessary to improve certain lands in the City by reconstructing the roadway and installing curbs along Inwood Place, together with all necessary appurtenances. The properties to be assessed as are on file with the clerk along with the estimated assessment as to each property, which are incorporated herein by reference.

SECTION 2. The estimated assessments, plans, specifications, profiles and estimate of cost of the improvement, prepared by the City and now on file in the office of the Clerk, are approved. The improvement shall be made in accordance with, and as shown on, the plans, specifications and profiles for the improvement.

SECTION 3. The Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefitted by the improvement.

SECTION 4. The total estimated cost of the improvement is \$385,585. The cost of the improvement to be assessed to the benefitted properties, after deduction of the costs of the improvement determined by this Council to be assumed by the City, are estimated to be \$286,868. Such amount shall be assessed in proportion to the benefits that may result from the improvement upon the lots and lands bounding and abutting on the improvement identified in Exhibit A hereto.

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the improvement, expenses of legal services including obtaining legal opinions, cost of labor and material, together with all other necessary expenditures.

SECTION 6. The City Administrator is authorized and directed to prepare and file in the office of the Clerk the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk and shall be prepared pursuant to the provisions of this

resolution. When the estimated special assessments have been so filed, the Clerk shall cause notice of the adoption of this resolution and filing of the estimated special assessments to be made on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid in 15 annual installments, with interest on the unpaid principal amount of each special assessment at the rate of interest determined by the Council when it passes the assessing ordinance levying those special assessments; provided that the owner of any property assessed may pay the special assessment within 30 days after passage of the assessing ordinance.

SECTION 8. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

SECTION 9. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary for the construction of the improvement, which is urgently needed for improvements to said road and for drainage and thus safeguard the health and property of residents of the City and protect the environment of the City, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

MOTION TO DECLARE AN EMERGENCY:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed as an emergency measure: September 16, 2024

Mayor.

ATTEST:

Municipal Clerk.

Approved as to form by:

Law Director.



MEMO TO: Mayor and City Councilmembers

FROM: Alan Lehenbauer-Law Director

DATE: 9/13/2024

SUBJECT: High Street Resolution of Necessity

Recommendation:

This resolution is a step in the assessment process for the improvement of the drainage, and roadway along High Street. The property owners will be provided notice of the passage of this resolution. A subsequent Ordinance will be passed making the assessments at a later date.

RESOLUTION 019-2024

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN LANDS IN THE CITY BY CONSTRUCTING A ROADWAY AND STORM SEWER ON HIGH STREET TOGETHER WITH ALL NECESSARY APPURTENANCES FOR HIGH STREET, AND DECLARING AN EMERGENCY

WHEREAS, Maumee City Council has previously authorized and requested the Service Department to prepare plans and an estimate of cost for the improvement described in Section 1 of this resolution.

WHEREAS, City Council find that it is necessary to make this public improvement to be paid for in part by special assessment as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maumee, County of Lucas, and State of Ohio, that:

SECTION 1. It is declared necessary to improve certain lands in the City by reconstructing the roadway and constructing a storm sewer system together with all necessary appurtenances to alleviate drainage issues and improve the roadway along High Street, Maumee, Lucas County Ohio. The properties to be assessed as are on file with the clerk along with the estimated assessment as to each property, which are incorporated herein by reference.

SECTION 2. The estimated assessments, plans, specifications, profiles and estimate of cost of the improvement, prepared by the City and now on file in the office of the Clerk, are approved. The improvement shall be made in accordance with, and as shown on, the plans, specifications and profiles for the improvement.

SECTION 3. The Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefitted by the improvement.

SECTION 4. The total estimated cost of the improvement is \$400,715. The cost of the improvement to be assessed to the benefitted properties, after deduction of the costs of the improvement determined by this Council to be assumed by the City, are estimated to be \$320,572. Such amount shall be assessed in proportion to the benefits that may result from the improvement upon the lots and lands bounding and abutting on the improvement identified in Exhibit A hereto. The properties shall be assessed in proportion to the benefits as set forth on Exhibit A.

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the improvement, expenses of legal services including obtaining legal opinions, cost of labor and material, together with all other necessary expenditures.

SECTION 6. The City Administrator is authorized and directed to prepare and file in the office of the Clerk the estimated special assessments of the cost of the improvement described in this resolution.

Those estimated special assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk shall cause notice of the adoption of this resolution and filing of the estimated special assessments to be made on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid in 15 annual installments, with interest on the unpaid principal amount of each special assessment at the rate of interest determined by the Council when it passes the assessing ordinance levying those special assessments; provided that the owner of any property assessed may pay the special assessment within 30 days after passage of the assessing ordinance.

SECTION 8. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

SECTION 9. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary for the construction of the improvement, which is urgently needed to provide safe and effective roadways and sewer services and thus safeguard the health and property of residents of the City and protect the environment of the City, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

MOTION TO DECLARE AN EMERGENCY:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed as an emergency measure: September 16, 2024

Mayor.

ATTEST:

Municipal Clerk.

Approved as to form by:

Law Director.

TITLE ELEVEN - Assessments

Chap. 201. Assessments.

CHAPTER 201

Assessments

- 201.01 Local improvements.**
- 201.02 Methods of special assessment.**
- 201.03 Preliminary resolution.**
- 201.04 Plans of proposed improvements.**
- 201.05 Notices served.**
- 201.06 Board of Revision of Assessments.**
- 201.07 Claims of damage.**
- 201.08 Final assessments.**
- 201.09 Payment of assessments - liens.**
- 201.10 Damages assessed.**
- 201.11 Limitation on damage suits.**
- 201.12 Work to be done.**
- 201.13 Lands unallotted or not on duplicate.**
- 201.14 Interest on assessment bonds.**
- 201.15 Limitation on assessments.**
- 201.16 City's portion of cost.**
- 201.17 Replacing existing improvements.**
- 201.18 Estimate of life of improvements.**
- 201.19 Rebates and supplementary assessments.**
- 201.20 Sewer, water and other connections.**

201.01 LOCAL IMPROVEMENTS.

City Council, as set forth in the Maumee Charter has the power by ordinance to provide for the construction, reconstruction, repair, and maintenance of all things in the nature of local improvements, and to provide for the payment of any part of the cost thereof by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against the property specially benefited to pay for any such local improvement shall not exceed the amount of benefits accruing to such property.

The City of Maumee may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in Maumee, any part of the cost connected with the improvement of any street, alley, dock, wharf, pier, public road, place, boulevard, parkway, or park entrance or an easement of the City of Maumee available for the purpose of the improvement to be made in it by grading, draining, curbing, paving, repaving, repairing, treating the surface with substances designed to preserve it, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor, drains, storm-water retention basins, watercourses, water mains, or laying of water pipe, or the sprinkling, sweeping, or cleaning thereof, or removing snow therefrom, any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost of a voluntary action, as defined in section 3746.01 of the Ohio Revised Code, undertaken pursuant to Chapter 3746, of the Revised Code by a special improvement district created under Chapter 1710, of the Revised Code, including the cost of acquiring property with respect to which the voluntary action is undertaken; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; any part of the cost and expense of operating, maintaining, and replacing heating and cooling facilities for enclosed pedestrian canopies and malls; any part of the cost and expense of acquiring and improving parking facilities and structures for off-street parking of motor vehicles or of acquiring land and improving it by clearing, grading, draining, paving, lighting, erecting, constructing, and equipping it for parking facilities and structures for off-street parking of motor vehicles, (Ord. 007-2023. Passed 2-6-23.)

201.02 METHODS OF SPECIAL ASSESSMENT.

Special assessments upon the property deemed benefited by a public improvement shall be by any one of the following methods or as otherwise set forth hereinafter:

- (a) By percentage of the tax value of the property assessed.
- (b) In proportion to the benefits which may result from the improvement.
- (c) By the foot frontage of the property bounding or abutting upon the improvement.
- (d) By any other method as allowed by law or ordinance

Nothing herein shall preclude voluntary assessments or other types of assessments or assessment procedures as may otherwise be adopted by Maumee Council.

(Ord. 007-2023. Passed 2-6-23.)

201.03 PRELIMINARY RESOLUTION.

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, City Council shall declare the necessity therefor by resolution, and such resolution shall state the method of assessment, the mode of payment and the number of annual installments. Such resolution shall show the lots and lands assessed, and the amount of the assessment as to each, and the number of installments, in which such assessments shall be paid.

(Ord. 007-2023. Passed 2-6-23.)

201.04 PLANS OF PROPOSED IMPROVEMENTS.

At the time of the passage of the resolution of necessity provided for in the foregoing section there shall be on file with the clerk, preliminary plans, specifications if available, estimated costs, and profiles of the proposed improvement; and such preliminary plans, specifications, estimates and profiles shall be open to the inspection of all interested persons.

(Ord. 007-2023. Passed 2-6-23.)

201.05 NOTICES SERVED.

Upon passage of the resolution of necessity, the clerk shall cause written notice to be served by ordinary mail upon the owner of each lot or parcel of land to be assessed or otherwise affected, or upon the persons in whose names the same may be assessed for taxation upon the tax duplicate. Such notice shall be made at least once in a newspaper of general circulation in the city and also posted on the City of Maumee website. The notice shall contain a statement of the character of the proposed improvement, the fact that the resolution

has been passed, the rate of such assessment, the number of installments, and shall state a time and place when complaints and claims will be heard before the board of revision of assessments.
(Ord. 007-2023. Passed 2-6-23.)

201.06 BOARD OF REVISION OF ASSESSMENTS.

The City Administrator, the Director of Law and the Director of Finance shall constitute the Board of Revision of Assessments. The Mayor shall be the President of the Board and the Director of Finance shall be the Secretary thereof. It shall meet from time to time as provided by its rules, and shall hear all claims and objections as to the character of all improvements to be paid for in part or in whole by special assessment as provided in the assessment report. A majority of those constituting the Board of Revision of Assessments shall have power to determine all complaints and objections submitted to it; and as to each improvement, the Board shall, after such hearing, amend, equalize and adjust the assessment report, and shall report to City Council its findings as to the necessity for the improvement, any amendment it directs in the assessments, the estimates of benefits and allowances of damages.
(Ord. 007-2023. Passed 2-6-23.)

201.07 CLAIMS OF DAMAGE.

Any owner of a lot or land bounding and abutting upon a proposed improvement claiming that he will sustain damages by reason of the improvement shall present such claim to the Board of Revision of Assessments within two (2) weeks after the service of notice or the completion of the publication herein before provided. Such claim shall be in writing and shall set forth the amount of damage claimed with a general description of the property with respect to which it is claimed the damage will accrue, and shall be filed with the Director of Finance. Any owner who fails to do so shall be deemed to have waived such damages and shall be barred from filing a claim or receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from acts of the City or its agents during installation of the improvement. If, subsequent to the filing of such claim, the owner sells the property, or any part thereof, the right to such damages, if any, shall follow the ownership of the land without other transference of the claim. The Board of Revision of Assessments shall report to City Council all such claims for damages filed with it.
(Ord. 007-2023. Passed 2-6-23.)

201.08 FINAL ASSESSMENTS.

Whenever the Board of Revision of Assessments shall have made its final report to City Council as to any improvement, City Council, if it determines that the improvement shall proceed, shall pass an ordinance levying the assessment as reported by the Board of Revision of Assessments and directing that the improvement shall proceed. In such ordinance it shall be sufficient to describe the lots and lands abutting upon the improvement, and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement between and including the termini of the improvement; and in describing lands which do not abut, it shall be sufficient to describe the lots by the appropriate lot numbers and the lands by metes and bounds. This rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments. At the completion of the project, the final in-place quantities, and the costs to be assessed to property owners shall be submitted to city council for final approval by legislation authorizing collection of the assessments.
(Ord. 007-2023. Passed 2-6-23.)

201.09 PAYMENT OF ASSESSMENTS - LIENS.

Special assessments for any improvement under this chapter shall be payable in annual installments pursuant to one or more payment schedules as authorized by City Council in the resolution of necessity or in the final assessment ordinance. The number of annual installments of any assessment shall not exceed twenty (20) and the number of annual installments of assessments shall not exceed the maximum maturity for which securities could be issued in anticipation of the project. If no period of maximum maturity is so specified, then the period for which assessments shall be levied, shall not be less than one (1) year, but may not exceed the estimated life of the usefulness of the improvement as certified by the fiscal officer of the City of Maumee.

Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance and shall be a lien from the date of the assessment upon the respective lots and parcels of land assessed, enforceable in the manner provided by general law.
(Ord. 007-2023. Passed 2-6-23.)

201.10 DAMAGES ASSESSED

At the time of the passage of the ordinance determining to proceed with the improvements as herein before provided, City Council shall determine whether the claims for damages so filed shall be allowed and paid or shall be judicially inquired into as to the proposed improvement. If City Council decides that the damages shall be assessed as a result of the project, the Director of Law shall then make a written application to the court of common pleas, or to the probate court, for the summoning of a jury to determine such damages, and the judge shall direct that a jury be summoned as is provided for the appropriation of property and fix the time and place for inquiry into and assessment of such damages, which inquiry and assessment shall be confined to such claims. (Ord. 007-2023. Passed 2-6-23.)

201.11 LIMITATION ON DAMAGE SUITS.

No person who claims damages arising from any cause shall commence a suit therefor against the City until he shall have filed a claim for such damages with the City and sixty (60) days shall have elapsed thereafter. This provision shall not apply to an application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity. (Ord. 007-2023. Passed 2-6-23.)

201.12 WORK TO BE DONE.

When City Council passes an ordinance directing that an improvement be made to be paid for in whole or in part by special assessment the City Administrator shall, through the appropriate department or office, cause the improvement to be made either directly by employment of labor or by entering into a contract therefor as may be determined by City Council. Contracts may be entered into for improvements to be assessed at any time before or after the passage of a resolution of necessity by City Council for said improvement.
(Ord. 007-2023. Passed 2-6-23.)

201.13 LANDS UNALLOTTED OR NOT ON DUPLICATE.

When special assessments are to be levied by the percentage of the tax value of the property assessed or by the foot frontage of the property bounding and abutting upon the improvement and there are lots or lands subject to such assessment which are not assessed for taxation, the Director of Finance shall fix, for the purpose of such assessment, the value of such lots as they stand and of such lands at the depth which he considers a fair average of the depth of lots in the neighborhood, so that the value so fixed will be a fair average of the assessed value of other lots in the neighborhood. Where lands are not subdivided into lots, but are assessed for taxation, the Director of Finance shall fix the value and depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.
(Ord. 007-2023. Passed 2-6-23.)

201.14 INTEREST ON ASSESSMENT BONDS.

When bonds or notes are issued in anticipation of the collection of assessments, the interest and any cost for the bonds or notes, including attorney fees and additional interest costs thereon shall be treated as part of the cost of the improvement for which assessments

may be made.
(Ord. 007-2023. Passed 2-6-23.)

201.15 LIMITATION ON ASSESSMENTS.

Whenever it has determined by ordinance that it is necessary to construct, enlarge, or improve a system of storm or sanitary sewerage for the municipal corporation or any part thereof, including sewage disposal works, treatment plants, and sewage pumping stations, or a water supply system for the City of Maumee or any part thereof including mains, dams, reservoirs, wells, intakes, purification works, and pumping stations, and that any such improvement shall be constructed, enlarged, or improved, may levy upon property to be benefited in Maumee an assessment upon the benefited lots and lands within the corporation or such part thereof, apportioned according to benefits or to the tax valuation or partly by one method and partly by the other, as the legislative authority determines for the purpose of paying the costs of general and detailed plans, specifications, estimates, preparation of the tentative assessment, financing, and legal services incident to the preparation of such plans, and a plan for financing the proposed improvements.

Whenever it has determined by ordinance to construct sidewalks, curbs, or gutters and levy an assessment therefor, city council may require the construction or repair of sidewalks, curbs, or gutters within the municipal corporation by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs, or gutters within the time prescribed in the resolution, may cause such sidewalks, curbs, or gutters to be constructed or repaired and may assess the total cost thereof against the lots or lands abutting thereon.

The entire cost may be assessed for sprinkling, sweeping, cleaning, removing snow from and treating the surface of municipal streets, alleys, and public ways.

City Council shall limit all other assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land any assessments for any or all purposes within a period of five (5) years in excess of thirty-three and one-third per cent (33-1/3%) of the actual value thereof after the improvement is made.

(Ord. 007-2023. Passed 2-6-23.)

201.16 CITY'S PORTION OF COST.

The City shall pay such part of the cost and expense of improvements for which special assessments are levied as City Council deems just which part shall not be less than one-fiftieth (1/50) of all such cost and expense; and in addition, thereto the City shall pay the cost of intersections. The City shall not be required to pay any portion of the cost for sidewalks, curbs, or gutters. City Council may provide for the payment of the City's portion of all such improvements or the costs of construction of any improvement to be assessed by the issuance of bonds or notes therefor, by borrowing money, and/or may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest thereon.

(Ord. 007-2023. Passed 2-6-23.)

201.17 REPLACING EXISTING IMPROVEMENTS.

City Council may provide in whole or in part the cost of replacing any existing local improvement by levying special assessments as hereinbefore provided; but any assessment for replacement in less than twenty (20) years from the date of a prior assessment for the improvement to be replaced shall be limited to a sum not in excess of fifty per cent (50%) of the cost of such replacement. (Ord. 007-2023. Passed 2-6-23.)

201.18 ESTIMATE OF LIFE OF IMPROVEMENTS.

Every ordinance providing for an improvement to be paid for in whole or in part by special assessments may contain an estimate of the life of the proposed improvement, prepared as may be directed by the City Administrator. If an estimated life is set forth in the assessment ordinance, any assessment thereafter made for replacing such improvement within such estimated period of life shall be limited to a sum not in excess of fifty percent (50%) of the cost of such replacement. Assessments for replacements at or after the expiration of such estimated period of life shall be subject to no limitation except as provided for assessments for original improvements. If no estimated life is set forth in the assessment ordinance, the life of the improvement shall be set at fifteen (15) years. (Ord. 007-2023. Passed 2-6-23.)

201.19 REBATES AND SUPPLEMENTARY ASSESSMENTS.

Upon the completion of any improvement the Director of Finance shall rebate to the then owner of the property which shall have been assessed to pay for such improvement, any surplus or excess remaining unexpended for the purpose for which such assessment was made, and in the event of there being a deficit in the fund provided for the making of any such improvement the Director of Finance shall report to City Council a supplementary assessment within the limitations hereinbefore provided, which supplementary assessment shall be made by ordinance and certified for collection as is provided in the case of original assessments.

(Ord. 007-2023. Passed 2-6-23.)

201.20 SEWER, WATER AND OTHER CONNECTIONS.

The City Administrator, or the Administrator's designee shall have the authority to compel the making of or relocation of sewer, water, gas, electrical, fiber, communications and other utilities and connections whenever in view of contemplated street improvements, or as a sanitary regulation, such connections should in their judgment be relocated or constructed. Written notice of such determination shall be given to the owner of each lot or parcel of land to which relocations are required or connections are to be made, which notice shall state the number and character of connections or relocation required. Such notice shall be served by a person, designated by the City Manager, or other officer, by ordinary US mail sent to the property address or owner of the property as listed with the Lucas County Auditor. Non-residents of the City, or persons who cannot be found, may be served by one publication of such notice in a newspaper of general circulation in the City. The notice shall state the time within which such connections shall be constructed and or relocated, if they be not constructed or relocated within said time, the work may be done by the City and cost thereof, together with a penalty of five percent (5%), assessed against the lots and lands for which the connections are made. Said assessments shall be certified and collected in the same manner as other assessments for street improvements.

(Ord. 007-2023. Passed 2-6-23.)

CODIFIED ORDINANCES OF MAUMEE

ORDINANCE 034 -2024

AN ORDINANCE APPROVING FINAL COSTS FOR SANITARY SEWER ASSESSMENT FOR THE RIVERVIEW SANITARY SEWER PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, Maumee City Council has previously declared it necessary to proceed with and assess the property owners relative to the Riverview Sanitary Sewer Project in Ordinance 14-2023; WHEREAS, the final in place quantities and costs assessed to the properties being assessed have been finalized and need to be approved by City Council;

WHEREAS the final costs are lower than the assessments previously authorized by City Council. NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, County of Lucas, and State of Ohio, that:

SECTION 1. That City Council approves the following final assessment costs and authorizes the collection of the amended assessments as set forth herein:

		Parcel #	Total
Mindy and Aaron Snelling	2551 Riverview	3615714	\$12,827.43
Eric Chapman	2604 Riverview	3615737	\$25,745.63
Glen and Angela Meiring	2552 Riverview	3615724	\$17,136.64
Willaim E. JR and Elizabeth J Brashear	624 Valley Dr****	3615704	\$13,797.50
James Belcher	622 Valley Dr	3616034	\$11,217.25
Eric and Mary Hoffman	2650 Riverview	3615747	\$21,725.84
			\$102,450.30

SECTION 2. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary for the updating of the assessments which are lower than the original estimated costs and thus lower the final costs to those properties being assessed and for the health , safety and welfare of the residents of the City therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

SECTION 3.It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio and Ohio law.

MOTION TO DECLARE AN EMERGENCY:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed as an emergency measure: September 16,2024.

Mayor

ATTEST:

Municipal Clerk.

Approved as to form-Law Director

ORDINANCE NO. 035 - 2024

AN ORDINANCE CREATING A PUBLIC INFORMATION COMMITTEE

WHEREAS, the Maumee Charter provides for the creation of Committees by Ordinance or Resolution;

WHEREAS, City Council has requested that a public information committee be created and/or reestablished to make recommendations with respect to disseminating factual information and providing communications between the City Government and the residents of Maumee and others; has previously adopted Chapter 185 of the Maumee Codified Ordinances and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:
SECTION 1. Chapter 189 of the Maumee Codified Ordinance titled Public Information Committee be, and the same hereby are created and established as follows:

189.01 PUBLIC INFORMATION COMMITTEE ESTABLISHED; PURPOSES.

There is hereby established the Public Information Committee the purposes of which shall be:

(a) To make recommendations to City Council with respect to disseminating factual information and providing and improving communications between the City and the residents of Maumee and others, relating to City legislation, and other matters relevant to the community. Committee work includes providing recommendations for updating online resources and newsletters, as well as exploring new ways of presenting information to public audiences, which include the citizens of Maumee and surrounding communities, property owners, business entities, and the media.

(b) To make recommendations for methods of releasing information and news to provide information about City services, programs and facilities.

(c) To make recommendations concerning information and/or correcting misinformation being provided to members of the public by other sources.

(d) To make recommendations for the promotion of the City of Maumee and all it has to offer, the promotion of positivity, the encouragement of civil discourse and ways to boost morale.

189.02 MEMBERSHIP; QUALIFICATIONS.

(a) The Public Information Committee shall consist of three (3) members of City Council, to be appointed by the Mayor and confirmed by a majority of the members of Council. The initial appointment shall be for a term ending December 31, 2025. Thereafter, each appointment shall be for a two-year term. The Mayor, with confirmation of Council, may make appointments to fill the unexpired portion of any term for which a vacancy arises in mid-term.

(b) The Committee shall meet no less than four times per year .

SECTION 2. This ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate establishment of this committee and will be a benefit for the citizens of Maumee, wherefore this ordinance will go into immediate effect upon its adoption by Council.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and any of Council's committees that resulted in such formal action,

were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio and Ohio law.

MOTION TO DECLARE AN EMERGENCY:

Second:

Yeas____ Nays____

MOTION TO PASS:

Second:

Yeas____ Nays____

Passed : September 16, 2024

ATTEST:

Mayor.

Municipal Clerk.

Approved as to form by:

Law Director

**MAUMEE CITY COUNCIL
2024 – 2025 COMMITTEE ASSIGNMENTS**

<u>COMMITTEE</u>	<u>CHAIRMAN</u>	<u>MEMBERS</u>
Finance & Economic Development	Puffenberger	Barrow, Harris
Parks & Recreation	Fiscus	Kurt, Harris
Personnel	Noonan	Leinbach, Barrow
Public Information	Fiscus	Noonan, Puffenberger