

BOARD OF TOWNSHIP TRUSTEES
ANDERSON TOWNSHIP
HAMILTON COUNTY, OHIO

The Board of Township Trustees met in regular session at 6:00 p.m., on August 20, 2015, with the following members present:

Russell L. Jackson, Jr.
Joshua S. Gerth
Andrew S. Pappas

Mr. Pappas introduced the following resolution and moved its passage:

RESOLUTION 15 - 0820 - 11
AUTHORIZING SIDEWALK ASSESSMENT POLICY

WHEREAS, Anderson Township residents have demonstrated their interest in walking along the extensive Anderson Trails network; and,

WHEREAS, a number of residents have expressed a desire to have sidewalks installed in their respective subdivisions to provide additional opportunities for such activities; and,

WHEREAS, Ohio Revised Code §5543.10 outlines a process by which the Board of Township Trustees ("Board"), may authorize the construction of sidewalks upon the petition of the abutting property owners and may assess the cost for such improvements against the abutting property owners in proportion to benefits accruing to their property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio, as follows:

SECTION 1. This Board hereby establishes a Sidewalk Assessment Petition Process ("Process") attached hereto as Exhibit A and by this reference incorporated herein and hereby authorizes the Township Administrator in consultation with the Law Director to make any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the Township as may be necessary from time to time.

SECTION 2. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 3. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Revised Code, except as otherwise permitted thereby.


Mr. Gerth seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mr. Jackson yes Mr. Gerth yes Mr. Pappas yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 20th day of August, 2015, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 20th day of August, 2015.



Kenneth G. Dietz
Fiscal Officer



Sidewalk Assessment Policy Resolution No. 15-0820-___

Anderson Township property owners who desire the installation of sidewalks through the assessment process must obtain, upon the enclosed petition form (Petition), signatures of a majority of the landowners in the specified area whose land, either abuts the streets or rights-of-way, including any designated properties served by private streets, or which otherwise would be specially benefited by the project. Also, while not a legal requirement, the Board of Township Trustees tend to look more favorably upon petitions which are signed by 100% of the households involved in the project.

At the time parcel owners sign the Petition, the Ohio Revised Code requires that a legal description containing metes and bounds of the proposed area be attached to the Petition. This legal description may be in narrative form (usually prepared by surveyor or a civil engineer) or in the form of a surveyor/engineer's plat or a County Auditor's plat or portion thereof; provided that the metes and bounds are shown clearly defining all parcels contained in the proposed project area. Preparation of this legal description is usually made easier by using copies of auditor's plats and a cross-index from street number to tax parcel number all of which are available at the Hamilton County Auditor's Office, third floor, Court House Annex, Court and Main Streets in Cincinnati. Depending upon the configuration of the proposed area, properly defining which parcels are to be included may be as simple as highlighted on a plat.

In addition to the legal requirements of the petitioning process, there are several steps which have been designed to help assure the Trustees of the validity and advisability of the Petition and which, therefore, will increase the probability of the district being approved. These steps, to be followed prior to circulating the Petition, are, in chronological order:

1. Initially contact each of the utilities involved and have each of them assist in drawing up a tentative design plan. Each plan should show surface features and the easement area and points of entry for each property.
2. Discuss these plans and costs with neighbors to be sure there is a consensus.
3. Bring or mail copies of all tentative plans and cost estimates, together with the metes and bounds description, to the Public Works Director, so that he may prepare and estimated total cost statement including Township expense, with itemization.

4. Obtain copies of the approved Petition from the Public Works Director and list on it: (a) in numerical order, the Book, Plat, and Parcel Number for each lot to be included in the proposed area; (b) the respective Lot Numbers as assigned by the developer, if available, and street addresses (assigned by the Hamilton County Regional Planning Commission if not on the plat or otherwise available); and (c) print/type the respective names of all property owners of record of each lot.
5. Arrange a meeting with the Public Works Director to resolve questions pertaining to the Petition, legal descriptions, and/or other required documents. You may arrange for all persons who will be circulating the Petition to attend or, as an alternative, you should thoroughly brief each person who will be circulating the Petition. All circulators of petitions should be trained to clearly inform potential signers that their signatures represent a legal request for installation of sidewalk.
6. It is required that the Petition circulators attached to the approved Petition forms the legally required plat or boundary description, the design plans, and the estimate prepared by the Public Works Director showing total itemized cost with the semi-annual payment calculated for each property owner prior to obtaining signatures. A certification must be signed by the circulators of petitions indicating that all such documents were attached when the Petition was circulated.
7. Be sure that all parcel owners of record who desire the sidewalk installation sign the Petition, including both husband and wife and any joint owner if the property is jointly held. (In the event a property is held in Trust, the Trustee should sign the Petition.)
8. It is suggested that, prior to submission, an attorney for petitioners approve the Petition as to form and as to substantive compliance with legal requirements. The reason for suggesting such a professional review is because a Petition which is incomplete or improperly prepared cannot be processed, thus causing a delay in the scheduling of a hearing and a delay in ultimate disposition.
9. Any and all circulators of the Petition must sign the attached certification as discussed above, for submission to the Township with the Petition.

Once the signatures are obtained and reviewed, the Petition with metes and bounds description and attachments should be filed with the Township Fiscal Officer. It will subsequently be checked for legal compliance by Legal Counsel, a process usually taking two weeks. If the Petition is legally acceptable, within thirty (30) days of completion of the Legal Counsel's review, the Fiscal Officer or Board of Trustees will set a date for a public hearing; in Anderson Township, the date for

hearing is customarily set at the next Trustees' meeting as long as there is time for adequate notice to all affected property owners as described below.

The Fiscal Officer or Director of Public Works will give notice of the time, date, and place of the hearing to all property owners in the proposed project area, whether or not they signed the Petition. This notice will be served at least fifteen (15) days before the date of the hearing. Notice of the hearing will also be published in a local newspaper at least (2) weeks before the hearing, if required for notification of nonresident owners of parcels.

At the hearing, property owners in the proposed sidewalk assessment area will be given an opportunity to speak for or against the proposal. Petitioners should, if questions are anticipated, also request the respective utilities to send representatives to discuss the proposed plans and related utility costs and to answer questions.

Following the hearing, the Trustees may choose to vote immediately on the proposal or, if significant questions have been raised to study the request further. If the Township Trustees vote in favor of the proposal, the total costs of sidewalk installation as described below will be assessed to the owner(s). Although the Ohio Revised Code (ORC) provides several methods for the assessment of the sidewalks district, a likely procedure is to assess each property an equal amount to the total costs and expenses of the project and related proceedings together with Township legal fees, projected administrative costs, and estimated inflation factor over the life of the assessment period, and the prorated recovery of tax monies which will need to be advanced before tax assessments will be received by the Township.

The County Auditor will assess each parcel on the semi-annual real estate tax bills.

Any questions regarding the petition may be addressed to Public Works Director Richard Shelley at 513.688.8400 or rshelley@andersontownship.org

ANDERSON TOWNSHIP

PETITION TO CONSTRUCT SIDEWALKS ON PUBLIC HIGHWAYS IN AN UNINCORPORATED AREA OF ANDERSON TOWNSHIP

Ohio Revised Code Sections 5543.10

Subdivision or other proposed identifying name of the area _____ This area is identified by the metes and bounds description, designated as Exhibit A, and attached to and made a part of and circulated with this Petition.

By my signature below, I represent to the Board of Township Trustees of Anderson Township, Hamilton County, Ohio ("Board"): 1) I am in favor of the sidewalk assessment project specified in Exhibit A and described in additional accompanying Exhibits and I request that the Board establish it, 2) I have seen a plat (a map) showing the proposed metes and boundaries [a copy of which was attached to the petition at the time I signed it] and a tentative placement of sidewalks and related appurtenant, 3) I am an owner of real estate included in the proposed sidewalk area [both husband and wife, any joint owners, or Trustees must sign to represent each parcel], 4) I have seen an itemization of total costs estimated by the Township Public Works Director and understand that these total costs and expenses of the sidewalk project and related proceedings may be assessed in an equal amount against all benefited property owners or as otherwise provided by law and assessed in semiannual installments on my county real estate bill, 5) I waive all claims for compensation and damages for lands necessarily appropriated for the purpose of constructing and maintaining such sidewalk, 6) I understand that my signature is legally binding for purposes of scheduling a public hearing on this project and cannot be subsequently retracted, and 7) I understand that the Board of Township Trustees desires to see more than the legally required minimum number of signatures on this Petition and that 100% of the landowners in the specified area whose land either abuts the streets or rights-of-way, including any designated properties served by private streets or otherwise would be specially benefitted by the project, must be part of this petition.

SIGNATURE NAME (HUSBAND & WIFE IF APPLICABLE OR TRUSTEE)	PRINTED NAMES	DATE OF SIGNATURE	LOT NO.	BOOK, PAGE, & PARCEL	MAILING ADDRESS

CERTIFICATION OF PETITION PRESENTER

I hereby represent to the Board of Township Trustees of Anderson Township, Hamilton County, Ohio, that:

The petitioners signing the attached petition are at one hundred percent (100% of the land owners in the specified area whose land either abuts the streets or rights-of-way, including any designated properties served by private streets or otherwise would be specially benefited by the project).

All plats; boundary descriptions; and costs estimates attached to such petition are to be considered as integral parts of the petition, and were attached to each copy of the petition that was circulated before any signature thereon was obtained.

Print Name: _____

Signature: _____ Date: _____