



## Legislation Details (With Text)

**File #:** R-223-24      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Approved  
**File created:** 4/24/2024      **In control:** Public Utilities Department  
**On agenda:** 5/8/2024      **Final action:** 5/8/2024  
**Title:** Declaring the Intent of the City of Toledo to assume and pay assessments for the Ten Mile Creek/Ottawa River Ditch Petition #1053 and Swan Creek Ditch Petition #1054; authorizing the Mayor to notify the Joint Board of Fulton and Lucas County Commissioners and the Joint Board of Fulton, Henry, and Lucas County Commissioners of the such intent; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Video: City Council 5/8/2024

Date	Ver.	Action By	Action	Result
5/8/2024	1	City Council	Suspension	Pass
5/8/2024	1	City Council	Emergency	Pass
5/8/2024	1	City Council	Passage	Pass

Resolution for Ditch Maintenance  
Department of Public Utilities  
Doug Stephens

**Declaring the Intent of the City of Toledo to assume and pay assessments for the Ten Mile Creek/Ottawa River Ditch Petition #1053 and Swan Creek Ditch Petition #1054; authorizing the Mayor to notify the Joint Board of Fulton and Lucas County Commissioners and the Joint Board of Fulton, Henry, and Lucas County Commissioners of the such intent; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

This Resolution authorizes the City of Toledo to assume and pay the assessments for the pending Ten Mile Creek/Ottawa River Ditch Petition and the Swan Creek Ditch Petition. If enacted, the petitions will allow for the maintenance of Swan Creek and its tributaries and the Ottawa River and its tributaries. It will include projects that will include log jam removal and other projects necessary to maintain the waterway, promote stabilization, reduce sedimentation, and improve water quality.

As a Home Rule Community under the Ohio Constitution and Section 6131.23(D) of the Ohio Revised Code, a municipality is permitted to assume the assessments on behalf of its residents which permits the municipality to pay the assessments through the performance of projects on the petitioned ditches, through other municipal funds authorized for the purposes of the assessments, or by assessing all or a portion of the assessments to property owners.

It is the intent of the Administration to pay the assessments from funds raised through the Stormwater Fee for properties within the City of Toledo.

NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That it is the intent of the City of Toledo to assume and pay the annual ditch assessments for parcels within the City of Toledo for the Ten Mile Creek/Ottawa River Ditch Petition #1053 and the Swan Creek Ditch Petition #1054.

SECTION 2. That the Mayor is Authorized to notify the Joint Board of Fulton and Lucas County Commissioners of the intent to assume and pay the annual ditch assessments for the Ten MileCreek/Ottawa River Ditch Petition #1053 and the Joint Board of Fulton, Henry, and Lucas County Commissioners for the Swan Creek Ditch Petition #1054.

SECTION 3. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council, and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Resolution must be immediately effective in order to notify the Joint Boards of the intent to pay and assume prior to their decision on the Petitions.

Vote on emergency clause: yeas 11, nays 0.

Adopted: May 8, 2024, as an emergency measure: yeas 11, nays 0.

Attest:

Julie A. Gibbons  
Clerk of Council

Carrie Hartman  
President of Council

Approved:

May 8, 2024  
Wade Kapszukiewicz  
Mayor