



## Legislation Details (With Text)

**File #:** O-611-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 11/19/2021      **In control:** Finance Department  
**On agenda:** 12/21/2021      **Final action:** 12/21/2021  
**Title:** Declaring the necessity of controlling the blight and disease of shade trees within public rights of way, and for planting, maintaining, trimming and removing shade trees in and along the streets of the City; providing for the assessment of the cost of those services; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Audio: Agenda Review November 30, 2021, 2. Audio: City Council December 7, 2021

Date	Ver.	Action By	Action	Result
12/21/2021	1	City Council	Emergency	Pass
12/21/2021	1	City Council	Passage	Pass
12/7/2021	1	City Council	First Reading	Pass

**FIN PROVIDING 2022 TREE MAINT**

Department of Finance  
Roberto Martinez (x1653)  
Revised

**Declaring the necessity of controlling the blight and disease of shade trees within public rights of way, and for planting, maintaining, trimming and removing shade trees in and along the streets of the City; providing for the assessment of the cost of those services; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

This is the annual ordinance declaring the necessity of controlling blight and disease of shade trees, and planting, maintaining, and removing shade trees in and along City streets. This ordinance also provides for the assessment of a portion of the costs of that program. The total estimated program cost for the year 2021 was \$5,257,502 (including an estimated property owners' portion of \$5,152,352 to be specially assessed and an estimated City portion of \$105,150). The total estimated program cost for the year 2022 is \$5,622,603 (including an estimated property owners' portion of \$5,512,356 to be specially assessed and an estimated City portion of \$110,247).

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

SECTION 1. That it is declared necessary to control the blight and disease of shade trees within public rights-of-way and provide for planting, maintaining, trimming and removing shade trees in and along the streets of the City during the year 2022 in the Toledo Forestry District established in Section 907.02 of the Toledo Municipal Code. The services to be provided by the City for that control, planting, maintenance, trimming and removal in 2022 are referred to collectively in this ordinance as the "Services".

SECTION 2. That the plans, specifications, estimate of cost and schedules for the Services, prepared by the Director of Public Service and on file and available for public inspection in his office, are approved. The Services shall be provided in accordance with those plans, specifications and schedules, and the grade of each of the streets, and public ways serviced and of the Services shall be the existing grade. The Director of Public Service is authorized to purchase or rent the necessary tools, machinery and appliances and to purchase the necessary materials and employ the necessary labor to carry out the provision of the Services in accordance with the plans, specifications and schedules.

SECTION 3. That this Council finds and determines that (i) the Services are conducive to the public health, convenience and welfare of the City and the inhabitants of the City and (ii) the lots and lands to be assessed for the Services as described in Section 4 of this Ordinance are specially benefited by the Services.

SECTION 4. That Five Million Five Hundred Twelve Thousand Three Hundred Fifty-six and 00/100 Dollars (\$5,512,356) of the entire cost of the Services shall be assessed in proportion to the benefits derived from the Services upon all lots and lands bounding and abutting upon each of the streets and public ways within the 2022 Toledo Forestry District, after the provision of the Services has been completed. The City shall assume and pay the remainder of the cost of the Services as its portion of the entire cost.

SECTION 5. That the cost of the Services shall include the cost of preliminary and other surveys, plans, specifications, profiles, estimates and schedules and of printing, serving and publishing notices and ordinances, the costs incurred in connection with the preparation, levy and collection of the special assessments, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

SECTION 6. That the Commissioner of Treasury is authorized to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the Services. Those estimated special assessments shall be based upon the estimate of cost of the Services now on file in the office of the Director of Public Service and shall be prepared pursuant to the provisions of this Ordinance. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the passage of this Ordinance and the filing of the estimated special assessments to be given by publishing a notice in a newspaper of general circulation in the City once a week.

SECTION 7. That the special assessments so levied shall be paid in one annual installment (two semi-annual installments), with interest on the unpaid principal amount of each special assessment at the same effective rate as shall be borne by the bonds or notes to be issued in anticipation of the collection of the total of the unpaid assessments; provided that the owner of any property assessed may pay the special assessment in cash within 30 days after the passage of the assessing ordinance.

SECTION 8. That notes or bonds of the City shall be issued in anticipation of the levy and collection of the special assessments. The remainder of the entire cost of the Services, after application of the special assessment (which remainder is not less than two percent of the entire cost of the Services and none of the Services are to be provided in intersections) shall be paid from other funds of this City available and appropriated for that purpose.

SECTION 9. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

SECTION 10. That this Council finds and determines that all formal actions of this Council and any of

its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with the law.

SECTION 11. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason it must be immediately effective to authorize preparation of the program to combat blight and disease of shade trees to be implemented at the beginning of the growing season; wherefore, this Ordinance shall be in force and effect from and immediately upon its passage, or at the earliest time permitted by law.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council  
\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council