

IMPROVEMENTS AND ASSESSMENTS

Part of Charter of the City of Columbus.

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IMPROVEMENTS AND ASSESSMENTS

Cross References

Assessments for improvements - see Ohio Const. Art. XVIII, [Sec. 11](#)

Assessments - see Ohio R.C. 727.01 et seq.

Capital improvements - see FIN. & T. [Ch. 333](#)

Improvement of streets and sidewalks - see PUB. PROP. [Ch. 901](#)

Water system or sewer construction - see Title Eleven - WATER, SEWER AND ELECTRICITY

CODE

Sec. 164. - Local improvements.

The council shall have power by ordinance to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all local improvements, and to provide for the payment of any part of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against any property shall not exceed the amount of benefits accruing to such property.

Sec. 165. - Methods of special assessments.

Special assessments upon the property deemed benefited by a public improvement shall be by one of the following methods:

(a)

By a 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.

Sec. 166. - Preliminary resolution.

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, the council shall declare the necessity therefor by resolution, and such resolution shall state the method of assessments, the mode of payment, the number of annual installments, and the portion of the cost to be borne by the city. Such resolution shall contain a description of the lots and lands to be assessed and 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 their appropriate lot numbers, and the lands by metes and bounds; and this rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments. Such resolution shall also determine the general nature of the improvement, what shall be the grade of the street, or other public place to be improved, the grade or elevation of the curbs and shall approve the plans, specifications, estimates and profiles for the proposed improvement.

Sec. 167. - Plans of proposed improvements.

At the time of the passage of the resolution hereinbefore provided there shall be on file in the office of the director of public service, plans, specifications, estimates and profiles of the proposed improvements, giving all information necessary; and such plans, specifications, estimates and profiles shall be open to the inspection of all interested persons.

Sec. 168. - Estimated assessment.

Upon the passage of said resolution it shall be certified to the chief engineer who shall thereupon proceed to make and file with the city clerk an assessment report, in accordance with the method of assessment provided in the resolution, which report shall contain the following:

(a)

The estimated amount of the assessment against each lot or parcel of land, not exceeding in any case the special benefits thereto.

(b)

The deduction or credits, if any, to which each lot or parcel of land is entitled by reason of the provisions of [sections 180](#) and 182.

(c)

The estimated amount of the city's portion including the portion assumed in the preliminary resolution and the deduction and credits above mentioned.

Sec. 169. - [Lands unalloted or not on duplicate.]

When special assessments are to be levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding or abutting upon all the improvements, and there are lands subject to such assessment which are not assessed for taxation, the chief engineer shall fix, in said report, for the purpose of such assessment, the value of such lots as they stand and of such lands of such depths as the chief engineer considers a fair average of the depth of lots in the neighborhood, so that it 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 chief engineer shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

Sec. 170. - Notice—how served.

A notice of the passage of such resolution and of the fact that such estimated assessment has been filed, and of the time within which objections may be made, shall be served by the city clerk, or an assistant, upon the owner of each piece of property to be assessed, in the manner provided by law for the service of summons in civil actions. If any such owners or persons are not residents of the county, or it appears by the return, in any case, of the notice, that such owner cannot be found, they shall be notified by publishing such notice at least twice in the City Bulletin. Whether by actual service or publication such notice shall be completed at least twenty days before the improvement is commenced, and the return of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence of the service of the notice as herein required.

Sec. 171. - Objections to assessments.

An owner of any lot or parcel so to be assessed, who objects to the amount or apportionment of such estimated assessments, shall file an objection in writing with the city clerk, within two weeks after the service of notice or completion of the publication hereinbefore provided. Any owner who fails to do so, shall be deemed to have waived any objection to such assessment, to the extent of the amount estimated.

(Amended 11-3-98.)

Sec. 172. - Board of revision.

When objections to such assessments have been filed as provided in the next preceding section, the council shall appoint a board of revision, consisting of three disinterested free holders of the city, residents of the city, and shall fix the time and place for the hearing by such board of such objections, of which at least one week's notice shall be given in the City Bulletin.

Sec. 173. - Hearing on objection.

At the time so appointed said board of revision, after taking an oath faithfully and impartially to discharge its duties, shall proceed to hear all objections to such estimated assessment, and shall report to council its findings, together with its amendments, if any, of the estimated assessment as reported by the chief engineer. Upon the filing of such report of the board of revision, or in the case no objections have been filed, then upon the expiration of the time for filing the same, council shall, if it determines to proceed with such improvement, so declare by ordinance, which ordinance shall require for its passage, the votes of at least six members of council.

([Ord. No. 0650-2018](#), § 2, 3-5-2018)

Sec. 174. - Claims.

An owner of a lot or of land bounding or abutting upon a proposed improvement, claiming that damage will be sustained by reason of the improvement, shall file such claim with the city clerk within two weeks after the service of notice or the completion of the publication hereinbefore provided. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails so to do 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 the right to recover damages, arising, without the owner's fault, from acts of the city or of its agents. If, subsequent to the filing of such claim, the owner sell the property, or any part thereof, the right of damages, if any, shall follow the ownership of the land without other transference of the claim.

(Amended 11-3-98.)

Sec. 175. - Damages assessed.

At or before the time of the passage of the ordinance determined to proceed with the improvement as hereinbefore provided, the council shall determine whether the claims for damages so filed shall be judicially inquired into before commencing or after the completion of the proposed improvement. If it decides that the damages shall be assessed before commencing the improvement, the city attorney shall then make such application and such proceedings shall be had thereon as are provided by the general law relating to the assessment of damages on such claims.

Sec. 176. - [Procedure of city attorney.]

When the council determines to assess the damages after the completion of the improvement for which a claim for damages has been filed as hereinbefore provided, the city attorney shall within ten days after the completion of the improvement make written application as hereinbefore provided in the case of the ascertainment of damages before the improvement is made, and the same proceedings shall be had as provided in the next preceding section.

Sec. 177. - [Damage claims required.]

No person who claims damages arising from any cause, shall commence a suit therefor against the city until filing a claim for such damages with the city clerk and sixty 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.

(Amended 11-3-98.)

Sec. 178. - Assessment of cost.

After any such improvement is completed and the cost ascertained, council shall, by ordinance, assess upon the property mentioned, and in the manner provided in the preliminary resolution, the entire cost and expense thereof, excepting the portion to be paid by the city. Such assessment as to each lot or parcel shall be in the proportions fixed in the estimated assessment as reported by the chief engineer, or as revised by the board of revision, and such ordinance shall also state the credits or deductions to which any lot or parcel is entitled, as fixed in such report or revision. The remainder of the cost, together with such credits and deductions, shall be the city's share, and if it exceed the amount originally appropriated, a supplementary appropriation shall be made to cover such excess. Such cost shall include the cost of preliminary and other surveys, the cost of construction, the expense of printing and serving notices, interest on bonds issued to provide funds for such improvement, and any other necessary expenditures connected with said improvement.

Sec. 179. - Collection of assessments.

Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance, levying or confirming the assessment, and shall be a lien from the date of the passage of said ordinance upon the respective lots and parcels of land assessed, enforceable in the manner provided by general law.

Sec. 180. - Limitation on assessments.

The council shall limit all 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 assessments for any or all purposes, within a period of five years, in excess of thirty-three and one-third per cent of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of the council, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith.

Sec. 181. - 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 the council deems just, which part shall not be less than one-fiftieth of all such cost and expense; and, in addition thereto the city shall pay the cost of intersections. The council may provide for the payment of the city's portion of all such improvements by the issuance of bonds or notes thereof, and may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest thereon; but the above provision as to the payment by the city of not less than one-fiftieth of the cost and the cost of intersections, shall not apply to the construction or repair, in the manner hereinafter provided, of sidewalks or to the construction of sewers or water mains or the laying of sewer or water connections.

(Adopted 5-7-63.)

Sec. 181-1. - Petitions for improvements.

When a petition subscribed by the owners of sixty per cent of the front footage of property abutting upon a street, alley, easement, or other public improvement, or the owners of seventy-five per cent of the area to be assessed for such improvement, is regularly presented to city council, the total cost of such improvement, including the cost of intersections, regardless of the limitations of [Sections 180](#) and 181 of this Charter or of general law, and without reference to the value of the lands of those who subscribe to such petition, may be assessed and collected in equal annual installments, proportioned to the whole assessment, in a manner which may be fixed by city council. When the lot or land of one who did not subscribe to the petition is assessed, such assessment shall not exceed thirty-three and one-third per cent of the actual value including improvements thereon, as enhanced by the improvement for which the assessment is levied, such value to be determined as of the date of the assessing ordinance.

(Adopted 5-7-63.)

Sec. 182. - Assessments for replacing improvements.

Whenever an assessment is levied for the replacement of any street improvement for which an assessment has theretofore been made, there shall be deducted from the assessment, that might otherwise be made for such replacement, one-half of the amount paid on the highest prior assessment, but in no case shall the assessment for such replacement be reduced to less than fifty per cent of what it would have been as a full assessment, unless council deems a greater reduction equitable, and that all amounts deducted under this section shall be paid as part of the city's portion of the cost of the improvement; and no provision of the general law limiting the assessments for such replacement shall be operative.

(Adopted 11-2-15.)

Sec. 183. - Sewer and water connections.

The director of public service shall have authority to compel the making of sewer and water connections in any street or other highway, the improvement of which has been determined upon by ordinance. The public service director shall cause written notice of the determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated by the director of public service, in the manner provided for the service of summons in civil actions. Non-residents of the city, or persons who cannot be found, may be served by a publication of such notice in the City Bulletin. The notice shall state the time which shall not be less than ten days, within which such connections shall be constructed, and if they be not constructed within the said time, the work may be done by the city and the cost thereof assessed by council against the lots and lands for which such connections are made. Such assessments shall be certified and collected as other assessments for street improvements.

(Amended 11-3-98.)

Sec. 184. - Sidewalks.

The council may, by resolution, declare that certain specified sidewalks shall be constructed or repaired. Upon the passage of such a resolution the city clerk shall cause written notice of the passage thereof to be served upon the owner, or agent of the owner, of each parcel of land abutting upon such sidewalk, who is a resident of the city, in the manner provided by law for the service of summons in civil action. The city clerk shall preserve a copy of the notice with the time and manner of service endorsed thereon, signed by the person serving it. For the purpose of such service, if the owner of any such property be not a resident of the city, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appear in any such returns, however, that the owner is a non-resident, or that neither such owner or agent could be found, one publication of a copy of the resolution in the City Bulletin shall be deemed sufficient notice to such owner.

(Amended 11-3-98.)

Sec. 185. - Work done by city.

If such sidewalks be not constructed or repaired within thirty days after the service of the notice provided for in the preceding section, or the completion of the publication thereof, the director of public service may proceed by direct employment of labor, or by contract, to carry out the said construction or repair at the expense of the owner, as in the case of other improvements, and all such expense shall be reported by the director of public service to the council. The council shall thereupon by ordinance assess the cost and expense thereof upon the property bounding or abutting thereon, and such assessment, with interest, shall be collected in the same manner as other assessments.

Sec. 186. - Public improvements by contract or direct labor.

Public improvements of all kinds may be made by the appropriate department either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract containing a guaranteed maximum and stipulating that the city shall pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractor. The council shall by ordinance determine by which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the city to be exacted in like sum for every day of delay beyond a specified date.

Sec. 187. - Streets and public grounds.

The council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts and viaducts, within the city, and shall cause them to be kept open, in repair and free from nuisance.

Sec. 188. - Alteration of streets.

When it deems it necessary the council may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated, and shall assess such portion of the cost thereof, not exceeding fifty per cent, as it may determine, upon the property benefited thereby, but not in excess of the special benefit conferred upon such property by such improvement.

Sec. 189. - Assessment bonds and notes.

The council may at any time borrow money and authorize the issuance of bonds or notes in anticipation of the levy or collection of assessments. Such bonds or notes may be in sufficient amount to pay the estimated cost and expense of the improvement for which the assessments are levied. In the issuance and sale of such bonds or notes the city shall be governed by the provisions of the general law applying to the issuance and sale of bonds and notes by municipalities.

Sec. 190. - Unexpended balances and assessments.

All assessments collected for the improvements for which bonds or notes were issued, and all unexpended balances remaining in the fund after the cost and expenses of the improvement have been paid, shall be applied in the payment of said bonds or notes and the interest thereon.

Sec. 191. - Dedication of streets.

No street or alley dedicated to public use by the proprietor of ground in the city shall be deemed a public street or alley, or under the care or control of the council, unless the dedication be accepted and confirmed by ordinance passed for such purpose, and unless the provisions of general law or any ordinance superseding the same, relating to platting and subdivisions shall have been complied with.