

RESOLUTION NO. 2023-42  
INTRODUCED BY: Mayor Bodnar

**AN EMERGENCY RESOLUTION  
DECLARING IT NECESSARY TO IMPROVE THE AINTREE PARK, AINTREE NORTH  
AND SANDALWOOD NEIGHBORHOODS BY REPLACING DAMAGED, CRACKED  
AND UNEVEN SIDEWALK BLOCKS WHERE NECESSARY, ALL TOGETHER WITH  
ANY NECESSARY APPURTENANCES THERETO BY THE OWNERS  
OF THE LOTS OR LAND ABUTTING THEREON  
AND DECLARING AN EMERGENCY**

WHEREAS, Section 729.01 of the Ohio Revised Code provides that the legislative authority of a municipal corporation may require the construction or repair of sidewalks 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, within the time prescribed in the resolution adopted under section 729.02 of the Revised Code, may cause such sidewalks, to be constructed or repaired and assess the total cost thereof against the lots or lands abutting thereon; and [See also Chapter 903 of the Mayfield Village Code]

WHEREAS, the Administration has advised Council, and has deemed it is necessary to replace certain sidewalks within the Village; and

WHEREAS, pursuant to Section 729.02 of the Ohio Revised Code, when it is deemed necessary by a municipal corporation to require the construction or repair of sidewalks within the municipal corporation by the owners of the lots or lands abutting thereon, the legislative authority of the municipal corporation shall cause plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions of such sidewalks, and the specifications for the construction or repair thereof, and have filed in the office of the clerk of the legislative authority; and

WHEREAS, the Village Engineer has caused plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions of such sidewalks and the specifications for the construction or repair thereof, and has filed them in the office of the clerk of the legislative authority; and

WHEREAS, the Clerk of Council is in receipt of such plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions of such sidewalks and the specifications for the construction or repair thereof; and

WHEREAS, Section 729.02 of the Ohio Revised Code requires that after such plans, specifications, and estimate of cost have been filed, as provided in this section, the legislative authority may declare the necessity for the construction or repair of such sidewalks, by the adoption of a resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. RESOLUTION OF NECESSITY. Council hereby declares the necessity for the repair of such sidewalks, within the Village more fully described herein in the Aintree Park, Aintree North and Sandalwood neighborhoods, by the owners of the lots or lands abutting thereon.

SECTION 2. PLANS APPROVED. Pursuant to Section 729.02(A) of the Ohio Revised Code, Council hereby approves the plans, specifications, and estimate of cost of the proposed repair on file with the Clerk of Council.

SECTION 3. DESCRIPTION OF LOTS. Pursuant to Section 729.02(B) of the Ohio Revised Code, the lots and lands abutting upon the sidewalks, to be repaired are described by street address in Exhibit "A", a copy of which is attached hereto and incorporated herein.

SECTION 4. SPECIFICATIONS. Pursuant to Section 729.02(C) of the Ohio Revised Code, such sidewalks shall be repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the Clerk of Council.

SECTION 5. TIME OF CONSTRUCTION. Pursuant to Section 729.02(D) of the Ohio Revised Code, the time within which such sidewalks shall be repaired by the owners of the lots and lands abutting thereon, which shall not be less than thirty days from the date of service of notice under section 729.03 of the Revised Code, on the owner of the lots or land. However, pursuant to Section 903.02(d) of the Mayfield Village Code, sidewalks shall be repaired by the owner not less than forty-five days from the date of Notice.

SECTION 6. ASSESSMENT. Pursuant to Section 729.02(E) of the Ohio Revised Code, that in the event such sidewalks are not repaired by the owners of the lots and lands abutting thereon in accordance with such plans and specifications and within the time prescribed in this Resolution of Necessity, the Village will so construct or repair such sidewalks and assess the cost thereof against the lots and lands abutting thereon.

SECTION 7. NOTICE TO CONSTRUCT; NOTICE OF PASSAGE OF RESOLUTION OF NECESSITY. Pursuant to Section 729.03 of the Ohio Revised Code, notice of passage of this Resolution of Necessity shall be served by the Clerk of Council upon the owners of the lots or lands abutting upon the sidewalks to be repaired by certified mail addressed to such owner at his/her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the village. (See also Posting RC 731.25). Such notice shall set forth the specifications of construction, the time within the owner may construct, and that in the event such owner does not construct or repair in accordance with specifications and within such time, the village will construct and assess the costs thereof against the lot or land of such owner.

SECTION 8. Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 9. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of health, safety and welfare of the residents of Mayfield Village, Ohio, for the reason that it provides for necessary repairs to sidewalks. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.

\_\_\_\_\_  
STEPHEN SCHUTT  
Council President

First Reading: \_\_\_\_\_, 2023

Second Reading: \_\_\_\_\_, 2023

Third Reading: \_\_\_\_\_, 2023

PASSED: \_\_\_\_\_, 2023

\_\_\_\_\_  
BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
DIANE A. CALTA, ESQ.,  
Director of Law

ATTEST: \_\_\_\_\_  
MARY E. BETSA, MMC  
Clerk of Council

**EXHIBIT A**

<b>AINTREE PARK</b>	
<b>916 AINTREE PARK DRIVE</b>	
CHRISTINA & MICHAEL LAMARCA	2
<b>6555 HUNT CIRCLE</b>	
ELAINE D. MEZIC	1
<b>6556 HUNT CIRCLE</b>	
WILLIAM J. SCHMIDT	1
<b>6523 DERBY DRIVE</b>	
MATTHEW SEGA & KATHLEEN CICERO-SEGA	1
<b>895 NORTHBORO DRIVE</b>	
YEVGENIY KRYMSKIY	3
<b>935 NORTHBORO DRIVE</b>	
THOMAS M. & RITA A. COMELLA	1
<b>912 NORTHBORO DRIVE</b>	
STRINA R. NEGRELLI	2
<b>6450 CHASE DRIVE</b>	
MASIA SHTOFF	2
<b>6498 CHASE DRIVE</b>	
VYACHESLAV FILIPPOV & TATYANA PALATNIKOVA	2
<b>6483 FOXBORO DRIVE</b>	
VINCENT CASTRATARO	1
<b>919 BEECHERS BROOK ROAD</b>	
DANIEL HOLTZ	2
<b>918 BEECHERS BROOK ROAD</b>	
VICTOR Y. BENENSON	1
<b>942 BEECHERS BROOK ROAD</b>	
ROSARIO J. FEDERICO, JR. & JESSICA A. FEDERICO	1
<b>926 BEECHERS BROOK ROAD</b>	
AUTIF & JACQUELINE HANNA	1

**844 BEECHERS BROOK ROAD**  
TARA P. THOMAS  
TOTAL

1

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