

RESOLUTION NO. 2023-42 (as amended)  
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  
THERE TO 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>SANDALWOOD DRIVE</b>		
6686 SANDALWOOD DRIVE	STEVEN L. FEDOR	2
6696 SANDALWOOD DRIVE	PAUL M. JABLONSKI	2
6706 SANDALWOOD DRIVE	STEPHEN L. DAVIS & DAMANKOS ALZBETA	2
6714 SANDALWOOD DRIVE	ANDREW M. & YAMILA STANKUS	3
6730 SANDALWOOD DRIVE	JOHN T. WILSON & GRACE L. WILSON	1
6738 SANDALWOOD DRIVE	JOSEPH MICHAEL & ANNE MARIE FIORELLO	2
6770 SANDALWOOD DRIVE	FRANKLIN B. PRICE	1
737 SANDALWOOD DRIVE	BRIAN M. WOLLET & LAURA A. FRATER	4
6751 SANDALWOOD DRIVE	BARNEY J. SCHWENZER	3
6743 SANDALWOOD DRIVE	MATTHEW RYAN VOROBEL & CATHERINE EPPS VOROBOL	1
6735 SANDALWOOD DRIVE	JOHN N. BECHTEL & JESSICA L. ALEXANDER	5
6727 SANDALWOOD DRIVE	STEVEN R. WARGO	5
6719 SANDALWOOD DRIVE	SCOTT G. & ERIN R. SIPOS	1
6703 SANDALWOOD DRIVE	KELLY MINIHAN-SAUER	2
769 SOM CENTER ROAD	BRIAN J. KANE	1
<b>WILDWOOD TRAIL</b>		
6698 WILDWOOD TRAIL	CHRISTOPHER S. RAMOS & RACHEL S. RAMOS	1
6708 WILDWOOD TRAIL	LUCY A. STINGER	1
6718 WILDWOOD TRAIL	ANNA M. PETRONZIO & JAMIE B. SCHNEIER	3
6738 WILDWOOD TRAIL	ABDO E. & JANET DAHER	3
6748 WILDWOOD TRAIL	HALLE C. RAHZ & DAMON C. RAHZ	1
6758 WILDWOOD TRAIL	LORRAINE D. BLAKE	1
6768 WILDWOOD TRAIL	GAYLE R. PITRONE	3
6778 WILDWOOD TRAIL	KWAI YAN SZETO	2
6808 WILDWOOD TRAIL	KELLY L. CREER	1
6828 WILDWOOD TRAIL	BRIAN SCHWARTZ	2

6868 WILDWOOD TRAIL	NATHAN ZBARZH & JELENA PENCLINA-ZBARZH	1
6878 WILDWOOD TRAIL	CATHERINE J. STENROOS	5
6867 WILDWOOD TRAIL	KEITH D. & MARGARET P. KERVER	3
6787 WILDWOOD TRAIL	PATTI S. BECKER & LEONARD E. NOWOSADZKI	1
6767 WILDWOOD TRAIL	BRADLEY & AMANDA HALL	3
6727 WILDWOOD TRAIL	PHILLIP J. GORJANC	
6697 WILDWOOD TRAIL	WILLIE G. & DENIDREA BAILEY	1
6687 WILDWOOD TRAIL	JEFFREY A. KATLEN & ALISON M. KATLEN	1
6677 WILDWOOD TRAIL	TATYANA B. & ALEKSANDER N. KORZHILETSKY	3
<b>TIMBERLINE TRAIL</b>		
625 TIMBERLINE TRAIL	GREGORY J. & RENEE C. AUGUSTINE	2
619 TIMBERLINE TRAIL	VETUS J. & LAURA M. SYRACUSE	1
613 TIMBERLINE TRAIL	LINDA J. IAFELICE	1
559 TIMBERLINE TRAIL	ROSE ANN KUBICEK	
578 TIMBERLINE TRAIL	JODI M. LATSHAW	1
584 TIMBERLINE TRAIL	JUSTIN S. & HEATHER C. STIRLING	1
590 TIMBERLINE TRAIL	JONATHAN B. & SHARON D. SILVER	2
602 TIMBERLINE TRAIL	DANIELLE C. LEPPA & LEONARD E. TAYLOR	1
608 TIMBERLINE TRAIL	VIKTORIA & OLEG & MARIANNE L. YARUSH	2
614 TIMBERLINE TRAIL	JAMES A. PIUNNO JR.	5
<b>CREEKWOOD LANE</b>		
6838 CREEKWOOD LANE	EDWARD F. & LAURA A. ZIERNICKI	2
6848 CREEKWOOD LANE	DONNA KRIVANEK	1
<b>DEEPWOOD LANE</b>		
6877 DEEPWOOD LANE	CHARLES F. GROSEL	4
6867 DEEPWOOD LANE	NEIL A. DUCHEZ	1
6847 DEEPWOOD LANE	STEPHANIE ERIN BENDER & PATRICK EUGENE BENDER	1
<b>BRAMBLEWOOD LANE</b>		
6707 BRAMBLEWOOD LANE	BRIAN J. FERG	2
6682 BRAMBLEWOOD LANE	MARLENE K. PHILLIPS	1

6698 BRAMBLEWOOD LANE	ERIC W. & KAREN BOWER	1
6718 BRAMBLEWOOD LANE	ROBERT D. BROFMAN	1
6728 BRAMBLEWOOD LANE	LISA MARIE PETTI	1
6778 BRAMBLEWOOD LANE	RICHARD & LISA KRISTOSIK	1
6788 BRAMBLEWOOD LANE	ROBERT E. HAYCOX	3
6798 BRAMBLEWOOD LANE	VETUS J. & VETUS & MONICA J. SYRACUSE	2
6857 BRAMBLEWOOD LANE	LORI M. GALLO & DANIEL G. ZEISER	1
6807 BRAMBLEWOOD LANE	DINO MARINO	1

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