CITY OF MIDDLETOWN
STREET RESURFACING ASSESSMENT POLICY

Property owners on any dedicated street or portion thereof, may petition for improvements to their portion of the street which abuts their property. Improvements will include resurfacing of the full width of roadway, including intersections; and repairs to defective curbs and gutters as required by the Department of Public Works & Utilities. The petition would be submitted to City Council for their consideration.

CONDITIONS

The following conditions shall be met prior to consideration by City Council:

1. Properties abutting street must not have been levied a special assessment within the past 20 years.

2. Petition for resurfacing must include:
   a. Signatures supporting the improvements by a minimum of 60% of the front footage of all properties to be assessed that abut the street, or
   b. Signatures supporting the improvements by a minimum of 75% of the total acreage of all the properties to be assessed that abut the street.

3. Minimum size of the project must be 500 feet and extend from block to block, beginning and ending at an intersection.

ASSESSMENT PROCESS

The following procedures shall be followed to complete a resurfacing assessment project:

1. Petition forms may be acquired in the Engineering Division or Clerk of City Council’s Office (City of Middletown, One Donham Plaza Middletown, Ohio 45042).

2. Petitioner may seek engineering staff assistance in providing a general budget estimate for the amount of work, amount to be assessed and consistency with overall paving program prior to circulating petition.

3. Petitioner circulates petition among property owners. Qualifying petitioners submit a completed petition to the Clerk of City Council to be received and filed.

4. Staff reviews the petition for cost estimates, consistency with the overall paving program and the financial feasibility of the project for the city. Staff reports findings to City Council.

Revised 9/9/2010
5. Upon staff review and report to City Council, letters will be mailed to each property owner which abuts the proposed street improvement giving thirty (30) days to submit their comments to City Council.

6. After the notice period is completed, City Council shall either refer the project to the Engineering Division to incorporate in a current or future year’s capital improvement program, or reject the petition.

7. The Engineering Division will prepare plans, specifications, and engineer’s estimate and associated legislation to be presented to City Council.

8. Resolution of Necessity is adopted by City Council authorizing a tentative assessment to be sent to the owners of the properties that will be benefited by the project.

9. Equalization Board is created, if necessary, to review financial and technical aspects of any objections to the assessment.

10. Ordinance to Proceed is adopted by City Council authorizing the bidding and award of a contract to perform the work.

11. Upon completion of the work by the contractor and final acceptance by the Engineering Division, the final assessments are prepared.

12. The Assessing Ordinance is adopted by City Council.

The final assessment levied to the property owner, shall be payable in cash to the City Treasurer within thirty (30) days after notification from the Engineering Division. If the Property Owner chooses to not pay in cash, the assessment will be levied against the property for a period of up to ten (10) years and will be collected with the property’s real estate taxes.

FINANCING

1. Improved Streets and unimproved streets (streets without curbs and gutters) not requiring full improvements according to the Street Master Plan:

   The City of Middletown, by City Council policy, shall pay the complete asphalt cost of the intersections, alley approaches, and two-thirds (2/3) of the asphalt cost of the side yard of corner properties. Property owners shall pay all remaining asphalt costs. Defective concrete sidewalk, curb and gutter, and drive aprons will be assessed through the SWC&G Program.

2. Unimproved streets (streets without curbs and gutters) requiring full improvements according to the Street master Plan:

   The City of Middletown, by City Council policy, shall pay the complete asphalt cost of the intersections, alley approaches, and two-thirds (2/3) of the asphalt, curb and gutter, and sidewalk costs of the side yard of corner properties. Property owners shall pay all remaining asphalt costs, curbs and gutters, drive aprons, sidewalks if required, and storm sewers.

Revised 9/9/2010
Would you like to improve the quality of the streets in your neighborhood?

The City of Middletown is implementing a Street Resurfacing Assessment Program that will allow residents to petition to have improvements made to a portion of the street adjacent to their property. The cost of improvements can either be paid by residents in a lump sum or be incorporated in the property taxes over a certain amount of years.

Where do I start?

- Pick up petition forms from the Clerk of City Council Office or the Engineering Division, One Donham Plaza, Middletown, Ohio 45042.
- Confirm that the street you would like to be improved meets the qualifications (See attached Assessment Policy).
- Seek assistance from the engineering staff to gain information, such as the general budget for the project. For example:
  Maple Drive includes 22 lots, including two corner lots, along 1000 feet of roadway. A basic "mill and fill" operation, which consists of the removal and replacement of the top 1 or 2 inches of asphalt, would cost $62,000, equating to $2,820 per lot. (Corner lots are figured separately.)
  The city will send property owners a notice for the costs of improvement. Owners can pay the bill in full within 30 days or pay only a portion of the amount and any remaining balance would be levied against the property as an assessment for the life of the improvement, up to 20 years, and would be collected with property's real estate taxes.
- Distribute the letter to residents in your neighborhood to explain what you are doing, why, and how it would affect them.
- Gather the required number of signatures for the petition from residents in your neighborhood (See attached Assessment Policy).
- Submit the complete petition forms into the Clerk of City Council’s Office, One Donham Plaza, Middletown, Ohio 45042.
- The Engineering Division staff will review qualifying petitions and submit their findings to City Council for further review and action.

Questions?

Please contact:
Department of Public Works and Utilities
Engineering Division
One Donham Plaza
Middletown, Ohio 45042
(513) 425-7913
SAMPLE LETTER

Date

Dear Neighbor:

My name is John Doe and I am a resident of Maple Drive. I am writing to ask for your support for a petition to the City of Middletown requesting the improvement of our street between Poplar Street and Elm Avenue.

As you know, our street is in poor condition and needs to be repaired. The City of Middletown’s Street Resurfacing Assessment Program allows residents to petition to have improvements made to their street adjacent to their property. The cost of improvements can either be paid by residents in a lump sum or be incorporated in our property taxes over a certain amount of years.

This new program provides another option for getting local streets resurfaced. Through the assessment, our tax money would be paid towards the road work that directly benefits our properties rather than to another area of the city. With your support, we can create a safer neighborhood with reliable roads. Below are the preliminary cost details of the project that I have gathered from the Engineering Division.

**Street Resurfacing Assessment for Maple Drive**

<table>
<thead>
<tr>
<th>Type of resurfacing</th>
<th>2” asphalt replacement with minimal base repair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost of repair</td>
<td>$62,000</td>
</tr>
<tr>
<td>Average cost per lot</td>
<td>$2,820</td>
</tr>
<tr>
<td>Cost covered by the City</td>
<td>$1,880</td>
</tr>
<tr>
<td>Amount of time for assessment</td>
<td>5 years</td>
</tr>
<tr>
<td>Estimated annual assessment</td>
<td>$580</td>
</tr>
</tbody>
</table>

I will be coming around the neighborhood on March 12 at 7:00 PM with the petition. If you have any questions, please contact me at (513) 555-1234. After I circulate the petition, if it appears that enough residents are interested in the program, I will submit the petition to the City. Petitions for street improvements will be considered by City Council depending on fund availability.

Sincerely,

John Doe
123 Maple Drive
SAMPLE PETITION

To the City Council of the City of Middletown, Ohio:

We, the undersigned owners of the property set opposite our names below, being the owners of at least; a) sixty percent (60%) of the front footage of property abutting upon the portion of the street to be improved, or b) seventy-five percent (75%) of the area to be assessed for the improvement, do hereby respectfully petition your honorable body for the improvement of MAPLE DRIVE, between Poplar Street and Elm Avenue, a public street of the City of Middletown, by repairing and resurfacing the roadway, and that the entire cost of said improvement be assessed by a method to be hereafter determined by the City Council upon the lots and lands bounding and abutting upon the aforementioned streets between the points aforementioned.

And the undersigned, and each of them consent and request that the said assessments be levied and collected without limitation as to the value of the property assessed hereunder and waive any and all rights, benefits, and privileges fixed by RC 727.03 and 727.06 or by any other section thereof restricting said assessments to thirty-three and one-third percent (33-1/3 %) of the actual improved value of said lots and lands as enhanced by the improvement to be made, and waive all benefits of RC 727.04 or of any other section thereof limiting assessments for re-improvements where an assessment has been levied and paid previously. The undersigned, and each of them further waive any damages or claims for damages of whatsoever kind, character or description growing out of or resulting from said improvement or the making thereof.

The undersigned, and each of them further waive all resolutions, ordinances and notices required for the making of said improvement including the notice of the adoption of the resolution of necessity and the filing of estimated assessments, the equalization of the estimated assessments, the increase in the cost of labor and materials over the estimated cost thereof and the passage of the assessing ordinance, including, but not by way of limitation, such notices as are authorized and required by RC 727.13, 727.16, 727.17, 727.24, and 727.26.

The undersigned, and each of them, further waive any and all irregularities and defects in the proceedings.

<table>
<thead>
<tr>
<th>OWNER AND ADDRESS</th>
<th>LOT NO.</th>
<th>SIGNATURE</th>
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<tbody>
<tr>
<td><strong>MAPLE DRIVE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Doe</td>
<td>115</td>
<td>12345</td>
</tr>
<tr>
<td>Jane Doe</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>123 Maple Drive</td>
<td></td>
<td></td>
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<tr>
<td>Middletown, Ohio 45042</td>
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