

## **AGREEMENT REGARDING SPECIAL ASSESSMENT**

This Agreement regarding a special assessment made this \_\_\_\_\_ day of June 2021, by and between Awny R. Kingsley (hereinafter “Kingsley”) and the Village of Sunbury, an Ohio Municipal Corporation (hereinafter “Village”) collectively (hereinafter “the parties”).

**WHEREAS**, Kingsley is the owner of certain real property commonly known as 660 South Old 3-C Highway, Sunbury Ohio 43074, parcel identification number 417-412-03-005-000; and

**WHEREAS**, Kingsley has a failing on-site sanitary sewer service that must be connected to the municipal system because the existing on-site system cannot be repaired or replaced; and

**WHEREAS**, on June 2, 2021, Kingsley formally requested permission to tap into the Village of Sunbury sanitary sewer system to the Village Administrator; and

**WHEREAS**, Kingsley now requests Sunbury Village Council for approval of their connection and delaying the payment of the required tap in fees due to financial hardship; and

**WHEREAS**, the fee for such sanitary sewer tap is \$8268.00; and,

**WHEREAS**, pursuant to O.R.C. Section 729.06 Sunbury Village Council and the property owner, by agreement, wish to provide for delayed payment of such sanitary sewer tap fee through the levy of a special assessment against the property with payments of \$826.80 per annum plus applicable processing fees, to be assessed against the property and invoiced on the real property tax duplicate over a term of ten years.

**NOW, THEREFORE, IT IS HEREBY AGREED** between the parties as follows:

1. That the property commonly known as 660 South Old 3-C Highway, Sunbury, Ohio 43074, parcel identification number 417-412-03-005-000, has obtained a sanitary sewer tap from the Village of Sunbury, costing \$8268.00, inclusive of fees and costs.

2. The \$8268.00 shall hereby be levied and assessed against the property commonly known as 660 South Old 3-C Highway, Sunbury, Ohio 43074, parcel identification number 417-412-03-005-000, and within twenty days of passage of appropriate assessment legislation shall be certified by the Director of Finance to the County Auditor to be placed on the property’s tax duplicate and collected in ten annual installments of \$826.80 (to be billed biannually in amounts of \$413.40) without interest over a period of ten years. The Auditor will charge a 2% processing fee.

3. Kingsley hereby acknowledges the increase in the value of her property in the amount of \$8268.00 and waives any notice of estimated assessment, resolution of necessity or other applicable notices or waiting periods and consents to said assessment being levied forthwith.

4. The parties acknowledge and agree that Ordinance 2021-23 attached hereto shall be presented to Sunbury Village Council for final approval effective immediately to finalize said assessment as set forth above for certification to the Delaware County Auditor.

5. The parties also acknowledge and agree that the due to Kingsley not having Del-Co water service (well service only), user charges for wastewater cannot be based upon water usage and that a flat rate billing for wastewater usage shall be used. The flat rate of \$35.63 shall commence when the service lateral to the home is installed. Said rate shall increase each calendar year commencing with calendar year 2022 equivalent to the annual increases for water usage customers (current Village ordinances provide for an annual 3% calendar year increase). Flat rate billing shall continue until such time as Del-Co or some other form of municipal water service is obtained or upon mutual alternative agreement of the parties. Said flat rate billing for user charges shall be billed monthly to the property owner and shall not be assessed except in the event of non-payment in accordance with Village Ordinances.

5. This agreement shall be binding upon the parties, their heirs, successors and assigns.

***Executed*** this \_\_\_\_\_ day of June 2021.

Village of Sunbury, Ohio  
An Ohio Municipal Corporation

By: \_\_\_\_\_  
Allen Rothermel, Village Administrator

\_\_\_\_\_  
Awny R. Kingsley

\_\_\_\_\_  
Jeffrey Kingsley, spouse of Awny Kingsley signing to release dower