

September 13, 2018

**ASSESSMENT EQUALIZATION BOARD**

September 18, 2018

Council Chambers

5:00 P.M.

**AGENDA**

1. Consider an objection from Shaun & Hollie Linton at 554 Pinehurst Ct in regards to the Fairway Estate/Horns Hill Rd Sewer Assessment Project
2. Consider an objection from Roger & Bobbi Stollard at 2399 Horns Hill Rd in regards to the Fairway Estate/Horns Hill Rd Sewer Assessment Project

**NOTICE TO PROPERTY OWNERS OF PASSAGE OF RESOLUTION OF  
NECESSITY AND ESTIMATED ASSESSMENT**

TO: Shaun J. & Hollie D. Linton  
554 Pinehurst Ct  
Newark, OH 43055

OWNER OF PROPERTY AT: 554 Pinehurst Ct

**ESTIMATED ASSESSMENT: \$4,168.20**

DATE OF NOTICE: JUNE 6, 2018

On May 21, 2018, the Council of the City of Newark, Ohio, adopted Resolution No. 18-34 declaring the necessity of improving properties in and abutting Fairway Estates Subdivision and along Horns Hill Road by upgrading the existing sanitary sewer system and installing a new gravity sanitary sewer system and the necessary appurtenances. Said project is also referred to as "Horns Hill Road Sanitary Sewer Assessment Project".

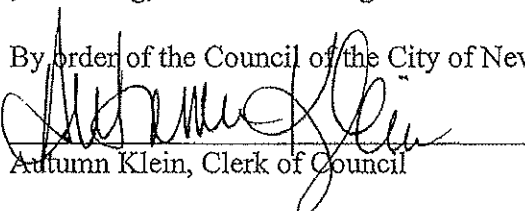
The plans, profiles, specifications, and the estimate of cost for the improvement, are now on file in the office of the undersigned, are available for the inspection of interested persons, and have been approved by resolution.

The resolution provides that the entire cost of the improvement, less the cost of the top and intermediate courses of asphalt and berm materials, and less the cost of intersections, and less a minimum City share of ten (10%) of the balance of the total, shall be assessed upon all lots and lands bounding and abutting upon the improvement and that the assessments shall be levied by equal amounts against the following parcels:

- Lot Numbers 12281 to 12316 in Fairway Estates Subdivision (36 properties)
- Address Numbers 324 and 400 Gleneagles Drive (2 properties)
- Address Numbers 450 and 515 Doral Drive (2 properties)
- Address Number 495 Gary Court (1 property)
- Address Number 2373 Horns Hill Road (1 property)
- Address Number 2387 Horns Hill Road (1 property)
- Address Number 2399 Horns Hill Road (1 property)

The estimated assessment against your property for the improvement, based on the estimated cost, is now on file in the office of the undersigned, located at 40 West Main Street, Newark, Ohio 43055, and is open for public inspection from 8:00 a.m. until 4:30 p.m.

Any objections to the estimated assessment as to amount or apportionment must be filed, in writing, with the undersigned within two weeks from the date of this notice.

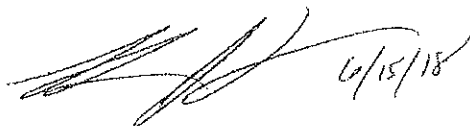
By order of the Council of the City of Newark, Ohio.  
  
Autumn Klein, Clerk of Council

Received  
CC 6/18/18

TO: Autumn Klein, Clerk of Council  
Council of the City of Newark, Ohio  
40 W. Main St.  
Newark, OH 43055

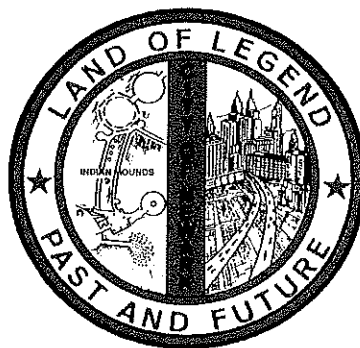
Ms. Klein-

I am writing in regards to the "Horns Hill Road Sanitary Sewer Assessment Project." I just purchased a home at 554 Pinehurst Ct. and was not notified of this project or any assessments during the purchase of my home. In addition, I was not part of any vote or related discussion as to the necessity of the project. Therefore, as a result of improper notification of this assessment during the purchase of my home in conjunction with my inability to vote on the matter I respectfully request a waiver for my family's responsibility to pay for this project. It is our perception the previous owner of the property should be likely responsible for payment as they failed to disclose this information to us during the purchase process. We are able to provide proof of this failure to disclose upon request. Thank you in advance for your consideration in this matter, and please let me know at your earliest convenience if I will still be responsible for any part of this assessment.

A handwritten signature in black ink, appearing to read "Shaun J. Linton", with a date "6/15/18" written next to it.

Shaun J. Linton  
554 Pinehurst Ct.  
Newark, OH 43055

JEFF HALL  
MAYOR  
Telephone (740) 670-7510



CITY OF NEWARK COUNCIL

DON ELLINGTON  
CITY COUNCIL PRESIDENT  
[dellington@newarkohio.net](mailto:dellington@newarkohio.net)

Autumn Klein  
Clerk of Council  
Telephone (740) 670-7516  
[aklein@newarkohio.net](mailto:aklein@newarkohio.net)

August 23, 2018

Shaun & Hollie Linton  
554 Pinehurst Ct  
Newark, Ohio 43055

Dear Mr. & Mrs. Linton:

In response to your objection Council has established the Fairway Estates Assessment Equalization Board to hear such objections and to report its findings. The Ohio Revised Code requires that the hearing date be set by the legislative authority thus Council has approved the date of Tuesday September 18, 2018 at 5:00 P.M. in Council Chambers. If there is a conflict with this date and time you may request and the Board can permit a reasonable postponement. If there is a conflict please contact me at [aklein@newark.ohio.net](mailto:aklein@newark.ohio.net) or 740.670.7516.

Sincerely,

Autumn Klein  
Clerk of Council  
City of Newark

Cc: Law Director

**NOTICE TO PROPERTY OWNERS OF PASSAGE OF RESOLUTION OF  
NECESSITY AND ESTIMATED ASSESSMENT**

TO: Roger & Bobbi Stollard  
2399 Horns Hill Rd  
Newark, OH 43055

OWNER OF PROPERTY AT: 2399 Horns Hill Rd

**ESTIMATED ASSESSMENT: \$4,168.20**

DATE OF NOTICE: JUNE 6, 2018

On May 21, 2018, the Council of the City of Newark, Ohio, adopted Resolution No. 18-34 declaring the necessity of improving properties in and abutting Fairway Estates Subdivision and along Horns Hill Road by upgrading the existing sanitary sewer system and installing a new gravity sanitary sewer system and the necessary appurtenances. Said project is also referred to as "Horns Hill Road Sanitary Sewer Assessment Project".

The plans, profiles, specifications, and the estimate of cost for the improvement, are now on file in the office of the undersigned, are available for the inspection of interested persons, and have been approved by resolution.

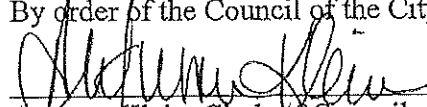
The resolution provides that the entire cost of the improvement, less the cost of the top and intermediate courses of asphalt and berm materials, and less the cost of intersections, and less a minimum City share of ten (10%) of the balance of the total, shall be assessed upon all lots and lands bounding and abutting upon the improvement and that the assessments shall be levied by equal amounts against the following parcels:

- Lot Numbers 12281 to 12316 in Fairway Estates Subdivision (36 properties)
- Address Numbers 324 and 400 Gleneagles Drive (2 properties)
- Address Numbers 450 and 515 Doral Drive (2 properties)
- Address Number 495 Gary Court (1 property)
- Address Number 2373 Horns Hill Road (1 property)
- Address Number 2387 Horns Hill Road (1 property)
- Address Number 2399 Horns Hill Road (1 property)

The estimated assessment against your property for the improvement, based on the estimated cost, is now on file in the office of the undersigned, located at 40 West Main Street, Newark, Ohio 43055, and is open for public inspection from 8:00 a.m. until 4:30 p.m.

Any objections to the estimated assessment as to amount or apportionment must be filed, in writing, with the undersigned within two weeks from the date of this notice.

By order of the Council of the City of Newark, Ohio.

  
Autumn Klein, Clerk of Council

## CCC-Autumn Klein

---

**From:** Don Ellington <don\_ellington@hotmail.com>  
**Sent:** Monday, July 02, 2018 9:30 AM  
**To:** CCC-Autumn Klein  
**Subject:** Fwd: Ordinances 18-14 and 18-16

Sent from my iPhone

Begin forwarded message:

**Resent-From:** <DEllingt@newarkohio.net>  
**From:** Roger Stollard <rogerstollard@live.com>  
**Date:** July 1, 2018 at 5:59:36 PM EDT  
**To:** "DEllingt@newarkohio.net" <DEllingt@newarkohio.net>, "JRath@newarkohio.net" <JRath@newarkohio.net>, "BCostjr@newarkohio.net" <BCostjr@newarkohio.net>, "mlabutis@newarkohio.net" <mlabutis@newarkohio.net>, "mfraizer@newarkohio.net" <mfraizer@newarkohio.net>, "jlang@newarkohio.net" <jlang@newarkohio.net>, "RBubb@newarkohio.net" <RBubb@newarkohio.net>, "Dmarmie@newarkohio.net" <Dmarmie@newarkohio.net>, "dhall@newarkohio.net" <dhall@newarkohio.net>, "seanfennell@newarkohio.net" <seanfennell@newarkohio.net>, "jeremy.blake@newarkohio.net" <jeremy.blake@newarkohio.net>  
**Subject: Ordinances 18-14 and 18-16**

Dear members of City Council,

I just learned that you are going into caucus tomorrow, 7-2-18, during session. Therefore I want to express my concerns and disappointment with Ordinance 18-16 and 18-14. To my knowledge, you have already approved Ordinance 18-16. I don't know where Ordinance 18-14 stands after the zoning commission hearing held 6-12-18.

Last year I attended a meeting at the Trout Club to discuss a proposed sewer project. At that time a petition was circulated, I was told, asking affected residents to approve the project and incur a property assessment. There were several vocal opponents to this project proposal at this meeting. During the meeting conducted by City officials, the necessary approval percentage of affected home owners was discussed. At that time someone stated that there weren't enough approval signatures to proceed. I left the meeting assuming that the project would not proceed. Personally, I never saw a petition or was asked to sign it. The next thing I heard was that Council approved Ordinance 18-16. I also heard that a second petition was circulated but I never saw it nor was I asked by anyone if I

approved or disapproved of the project. I never had a voice on the matter.

When my house was under construction I paid my water and sewer connection fees of \$3935.00. At no time was I informed that my sewer line was connected to the Fairway Estates system. No one said, " Oh by the way, the current sewer system is insufficient and at some point you'll have to pay for an upgrade." The way I see it, the City approved a substandard system that needs improvement and the City should have to fix the problem. Also the current system won't sustain the planed extension for the Trout Club development unless the Horns Hill sewer upgrade is completed; i.e., Ordinance 18-16. I've already paid my fees and continue to pay each month for these services.

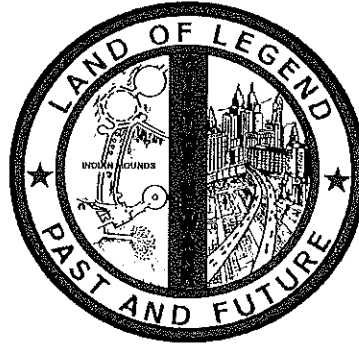
I received an assessment notice from you dated, 6-6-18. The break down in costs determined that my assessment is "estimated" at nearly \$4200.00. It also states that any voluntary connections would pay the same amount. How is that fair when I already paid my initial tap fees and continue to pay monthly sewer fees? And all this was subject to the approval of 75% of the home owners affected, which is clearly not the case. And I'll say it again, I never had a voice or a vote.

Ordinance 18-14 is the zoning request for a Planned Unit Development. This application was filed 4-16-18, long before your discussion and approval of Ordinance 18-16. The zoning application request contains the proposed sewer extension from the proposed Horns Hill sewer upgrade project, Ordinance 18-16, that didn't and doesn't currently exist. The application shows the proposed new sewer for the PUD connected to the Horns Hill sewer line. These two projects are connected ( no pun intended ). I'm not against development or progress but I am against paying for it when the City is providing the means and infrastructure for a commercial developer. Those costs should be the responsibility of the developers, not me.

Respectfully,

Roger Stollard

JEFF HALL  
MAYOR  
Telephone (740) 670-7510



CITY OF NEWARK COUNCIL

DON ELLINGTON  
CITY COUNCIL PRESIDENT  
[dellington@newarkohio.net](mailto:dellington@newarkohio.net)

Autumn Klein  
Clerk of Council  
Telephone (740) 670-7516  
[aklein@newarkohio.net](mailto:aklein@newarkohio.net)

August 23, 2018

Roger & Bobbi Stollard  
2399 Horns Hill Rd  
Newark, Ohio 43055

Dear Mr. & Mrs. Stollard:

In response to your objection Council has established the Fairway Estates Assessment Equalization Board to hear such objections and to report its findings. The Ohio Revised Code requires that the hearing date be set by the legislative authority thus Council has approved the date of Tuesday September 18, 2018 at 5:00 P.M. in Council Chambers. If there is a conflict with this date and time you may request and the Board can permit a reasonable postponement. If there is a conflict please contact me at [aklein@newark.ohio.net](mailto:aklein@newark.ohio.net) or 740.670.7516.

Sincerely,

Autumn Klein  
Clerk of Council  
City of Newark

Cc: Law Director