

ORDINANCE NO. 41-25

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SIXTY (60') FOOT TEMPORARY CONSTRUCTION EASEMENT AND A THIRTY (30') FOOT PERMANENT EASEMENT TO THE AVON LAKE MUNICIPAL UTILITIES BOARD FOR THE INSTALLATION OF WATER-RELATED IMPROVEMENTS AND INFRASTRUCTURE TO THE EXISTING REGIONAL WATER SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon Lake by and through its Board of Municipal Utilities, dba., Avon Lake Regional Water, ("ALRW") is seeking to undertake the installation of water-related improvements and infrastructure to the existing regional water system ("Project"); and

WHEREAS, the Project will involve the installation of infrastructure on the City's property, (as well as the property of others), that is adjacent to the existing water line for which an easement already exists. The new infrastructure cannot physically fit within the existing easement area on the City's property; and

WHEREAS, it is necessary to convey to ALRW a sixty (60') foot wide temporary construction easement and a thirty (30') foot wide permanent easement along the north side of the project to facilitate work along the southside of the Norfolk Southern Railway on two parcels owned by the City of Avon; and

WHEREAS, Avon City Council finds that it is in the best interest of the health, safety, and welfare of the Community for the City of Avon to cooperate by granting temporary and permanent easements to the City of Avon Lake Municipal Utilities for the installation of infrastructure on the City's property that is adjacent to the existing water line for which an easement already exists.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That the Mayor is hereby authorized to execute a sixty (60') foot temporary construction easement and a thirty (30) foot permanent easement to Avon Lake Municipal Utilities, dba., Avon Lake Regional Water, for the installation of infrastructure on the City's property that is adjacent to the existing water line for which an easement already exists. A copy of said easements, legal descriptions and survey maps for the Permanent and Temporary Easements are attached hereto as [Exhibit A](#), and incorporated herein by this reference

Section 2 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, or otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the

citizens of the City of Avon, the immediate emergency being the necessity for the City to execute a sixty (60') foot temporary construction easement and a thirty (30) foot permanent easement to Avon Lake Regional Water for this project; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director, City of Avon