

ORDINANCE NO. 92-25

**AN ORDINANCE AMENDING ORDINANCE NO. 85-21 LEVYING
SPECIAL ASSESSMENTS FOR THE JOSEPH, PUTH, ELIZABETH
AND DETROIT SANITARY SEWER SYSTEM
AND DECLARING AN EMERGENCY**

WHEREAS, Council (the "Council") of the City of Avon, Ohio (the "City") duly adopted Resolution No. R-22-19 on September 9, 2019 (the "Resolution of Necessity") and declared it necessary to improve the City of Avon by the construction of a sanitary sewer system, with all necessary appurtenances thereto, along Elizabeth Avenue, Joseph Street, Puth Drive, and a portion of Detroit Road from address 34008 to address 34901; and

WHEREAS, the City completed the Project, determined the final costs and passed Ordinance No. 85-21 on November 22, 2021 (the "Original Assessing Ordinance"), levying special assessments on the parcels benefitted by the Project as further described in that Assessing Ordinance; and

WHEREAS, Janet L. Lowry, owner of Permanent Parcel No. 0400022105049, located at 34675 Detroit Road, has tendered payment in full of the remaining portion of her assessment; and

WHEREAS, Council hereby accepts said payment and amends Assessing Ordinance No. 85-21, accordingly, finding it to be in the best interest of the City to do so.

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

Section 1. That having fully paid the remaining balance of the assessment on October 7, 2025, Council hereby amends Exhibit A to Ordinance No. 85-21 (the "Assessing Ordinance") striking the Janet L. Lowry parcel, located at 34675 Detroit Road, Permanent Parcel No. 0400022105049, from any further assessment. The Finance Director shall deposit the funds paid by Lowry to satisfy the balance of the assessment into the Special Assessment Retirement Fund No. 501.

Section 2. All other sections and provisions of the Assessing Ordinance, except as otherwise amended herein shall remain in full force and effect.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to remove the Lowry property from Exhibit A to

Ordinance No. 92-25 (Con't.)

Ordinance No. 85-21 and notify the Lorain County Auditor in a timely manner so as to avoid any future collection of said assessment; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: October 14, 2025 DATE SIGNED: October 14, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: October 15, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

POSTED: October 16, 2025
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 92-25, passed by the Council of said City on October 14, 2025.

IN WITNESS WHEREOF, I have on this 15th day of October 2025, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 92-25

ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND
DETROIT ROAD SANITARY SEWER IMPROVEMENT - PHASE 2

FINAL ASSESSMENT PARCEL SPREADSHEET: EXHIBIT A TO
NO. 85-21



CHAGRIN VALLEY ENGINEERING, LTD.
22999 Forbes Road, Suite B
Cleveland, Ohio 44146-5667
Project No. 15204
RYAN E. CUMMINS, P.E., CPESC

REVISION HISTORY:

PROJECT SCOPE:

This project consisted of the installation of approximately 5,934 feet of 8" sanitary sewers to service the properties along Elizabeth Avenue, Puth Drive, Joseph Street and a section of Detroit Road from 34008 Detroit to 34901 Detroit. It also included 3,879 feet of waterline replacement, miscellaneous storm sewer replacements, and pavement rehabilitation. The assessed portion of the project will only include sanitary sewer related items.

COLOR LEGEND:

UNSEWERED PARCEL
UNSEWERED PARCEL WITH POTENTIAL TO BE SUBDIVIDED

Notes:

- (1) Ownership is per the Lorain County Auditor's website as of July 12, 2019, excepting PPN 400022102062, Janet Lowry, October 28, 2021
- (2) Plans, Specifications and Construction Management Performed by Bramhall Engineering and Surveying Company (Bramhall).
- (3) A Benefitted Unit is herein defined as the greater value of either: a) the existing number of residential structures on each noted parcel currently permitted by the Avon Codified Ordinances or; b) the potential number of residential structures on each noted parcel currently permitted by the Avon Codified Ordinances, or; c) the maximum number of lots created by land subdivisions for each parcel that would result in a buildable lot fronting on either Elizabeth Ave., Puth Dr., Joseph St. or Detroit Rd. based on the parcel's current zoning requirements.

Parcel No.	Parcel Address/ Parcel Reference Label	Owner	Mailing Address	Number of Benefitted Units	Unsewered Parcel Frontage (LF)	Preliminary Estimated Assessment
400022104015 ^{a2}	A	FORTHOFER TIMOTHY L & FORTHOFER MARIE	34875 TIMBERVIEW DR	1	78.41	\$12,000.00
400022105902 ^{a2}	B	LOWRY JANET L	34875 DETROIT RD	0	100.18	\$0.00
400022102084	F	WASILKO GREGG M TRUSTEE & WASILKO MARK T TRUSTEE	DETROIT RD	2	203.79	\$24,000.00
400022102083	G	WASILKO GREGG M TRUSTEE & WASILKO MARK T TRUSTEE	DETROIT RD	2	223.74	\$24,000.00
400022102084	34130	DUNLAP PATRICIA M	DETROIT RD	2	168.40	\$24,000.00
400022102054 ^{a11}	34010	HORWEDEL DAVID A & STEWART KIMBERLY A	DETROIT RD	0	131.18	\$0.00
400022102067 ^{a11}	34070	HORWEDEL DAVID A & KIMBERLY A	DETROIT RD	0	108.64	\$0.00
400022102062 ^{a11}	34008	JAMES ROY A TRUSTEE & JAMES NORMA A TRUSTEE	DETROIT RD	0	187.00	\$0.00
400022104015 ^{a4}	34901	FORTHOFER DAVID L & FORTHOFER TIMOTHY L	DETROIT RD	3	284.29	\$38,000.00
400022105908 ^a	34876	LOWRY JANET L	DETROIT RD	1	205.88	\$12,000.00
400022105014	34825	JENNINGS ANNE M.	DETROIT RD	2	164.00	\$24,000.00