

ORDINANCE NO. 86-14

**AN ORDINANCE APPROPRIATING INTERESTS
IN, OVER, AND UPON A PORTION OF CERTAIN REAL
PROPERTY (KOLYNO/KALB), PERMANENT PARCEL NO. 04-00-004-102-117,
AND DECLARING AN EMERGENCY**

WHEREAS, Council passed Resolution R-11-14 on June 9, 2014 declaring it necessary to appropriate interests in land from Kolyno/Kalb (10 WDV, TV) for the purpose of relocating the intersection of State Route 611 and Chester Road; and

WHEREAS, the City of Avon has been unsuccessful in purchasing the said interests at their fair market value as determined by an Ohio Certified Appraiser, to wit; Seventy Thousand Four Hundred and Ninety (\$70,490.00) Dollars, which amount represents a good faith offer from the City delivered on March 3 and March 8, 2014 and since rejected by the Owners.

WHEREAS, notice of the adoption of Resolution No. R-11-14, stating the City of Avon's intent to appropriate said the required interests, dated June 9, 2014, was served upon the Owner.

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

Section 1 - That a fee simple interest and a temporary easement (10 WDV, TV) in, over and upon real estate described in Exhibit "A", attached hereto and made a part hereof, is hereby appropriated for the public purpose of relocating Chester Road at State Route 611 pursuant to and in accordance with the Avon Code of Ordinances, the Charter of the City of Avon, and the Constitution and Laws of the State of Ohio.

Section 2 - That the Council of the City of Avon hereby fixes the value of the interest taken pursuant to Section 1 to be in the amount of Seventy Thousand Four Hundred and Ninety (\$70,490.00) Dollars.

Section 3 - That the sum of Seventy Thousand Four Hundred and Ninety (\$70,490.00) Dollars, being the amount set forth in Section 2, be deposited with a court of competent jurisdiction in Lorain County, Ohio for the use and benefit of the owner of the property appropriated, and upon such deposit with said Court, the City of Avon shall take possession of and enter upon such property pursuant to and in accordance with the Avon Codified Ordinances, the Charter of the City of Avon, and the Constitution and Laws of the State of Ohio.

Section 4 - That the funds necessary to pay the amount hereby authorized for the contract are hereby appropriated in the current fiscal year.

Section 5 - That the Council of the City of Avon, Ohio hereby finds that the appropriation of property made herein is necessary for said public purposes to relocate Chester Road at State Route 611; that the City has been unable to agree with the owner of the property

appropriated herein; and that the City intends to obtain immediate possession of the above described property, which immediate possession is necessary for said public purposes.

Section 6 - That the Law Director be and he is hereby authorized and directed to file a petition for appropriation in a court of competent jurisdiction and to have a jury impaneled to make inquiry into and assess the compensation to be paid for the aforesaid interests in land.

Section 7 -. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that, except as otherwise provided by Section 121.22 of the Ohio Revised Code, 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.

Section 8 - That 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 proceed with appropriating interests in land owned by Kolyno/Kalb for the purpose of relocating State Route 611 and Chester Road within the current construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

BY: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young, Clerk of Council

Ordinance No. 86-14 (Con't.)

POSTED: _____
In five places as
provided by Council

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