

ORDINANCE NO. 36-13

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACQUIRE
A RIGHT OF WAY EASEMENT ON REAL ESTATE LOCATED AT THE
NORTHWEST CORNER OF SCHWARTZ AND NAGEL ROADS FOR THE
PURPOSE OF CONSTRUCTING INTERSECTION IMPROVEMENTS
AND DECLARING AN EMERGENCY**

WHEREAS, considering the rapid growth of the City and the need to improve the intersection of Schwartz and Nagel roads, the City must acquire additional lands for public use at the northwest corner of said intersection; and

WHEREAS, a value analysis was done on the property needed to be acquired, which is located adjacent to Schwartz Road, and the City and the property owners have agreed upon a fair price for the acquisition of this permanent right of way easement; and

WHEREAS, the Mayor seeks authorization from Council to acquire the permanent right of way easement over .0362 acres of land owned by David L. and Bernadette M. Mast, Permanent Parcel No. 04-00-023-105-292, for the improvement of the Schwartz and Nagel intersection; and

WHEREAS, Council has had an opportunity to meet with the Mayor and discuss the purchase of the subject property and Council deems it to be in the best interests of the health, safety and welfare of the community that the City acquire the easement for the improvement of the intersection of Schwartz and Nagel road.

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 purchase a right of way easement from David L. and Bernadette M. Mast, Permanent Parcel No. 04-00-023-105-292, over .0362 acres of their property situated at the northwest corner of Schwartz and Nagel roads, adjacent to Schwartz Road, their address being 3276 Nagel Road, Avon, Ohio. Said easement is attached hereto as Exhibit A and incorporated herein by this reference.

Section 2 - Council hereby authorizes payment in the amount of One Thousand, Nine Hundred and Seventy-Five (\$1,975.00) Dollars to be made from the Schwartz-Nagel Intersection Improvement Fund No. 468 pursuant to directives of the Finance Director.

Section 3 - 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.

Ordinance No. 36-13 (Con't.)

Section 4 - 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 acquire right of way for the improvements to the Schwartz-Nagel intersection; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director