

RESOLUTION NO. R-6-16

A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENT OF THE CITY BY THE CONSTRUCTION AND RECONSTRUCTION OF A PORTION OF CHESTER ROAD, FROM A TWO (2) LANE TO A FIVE (5) LANE ROADWAY, TOGETHER WITH ALL APPURTENANCES AND RELATED IMPROVEMENTS THERETO, AND DECLARING AN EMERGENCY

WHEREAS, Council, pursuant to passage of Resolution No. R-4-16 on March 14, 2016, together with the Affidavit and Petition for Special Assessments (Exhibit A thereto) has determined it to be necessary to construct and reconstruct a portion of Chester Road, from a two (2) lane to a five (5) lane roadway together with all necessary appurtenances and related improvements thereto; and

WHEREAS, any property owners abutting Chester Road in the area of these improvements who have not signed the Affidavit and Petition for Special Assessments on Chester Road and have, pursuant to ORC §727.15, expressly objected to the amount of their assessment shall be heard, pursuant to ORC §727.16 and §727.17 by an Assessment Equalization Board; and

WHEREAS, Council, having received the timely objections of two affected property owners, finds it to be in the best interests of the health, safety and welfare of the community to establish the Assessment Equalization Board to hear said property owners objections.

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

Section 1 – That Thomas L. Wearsch, Clinton S. Pelfrey, and Thomas L. Tomlin, three disinterested freeholders of the City of Avon, Ohio (the “City”) be and they are hereby appointed to act as an Assessment Equalization Board to hear and determine all timely written objections to the estimated assessments heretofore reported to this Council of the cost of improving a portion of Chester Road by reconstruction of approximately 3,000 lineal feet of Chester Road in the City, between the east property lines, respectively, of a proposed Menard's store and a proposed Cabela's store and the Jaycox Road intersection (“Project K”), including construction and reconstruction of Project K from a two (2) lane to a five (5) lane roadway, excluding that portion of Project K consisting of the construction of the two outside traffic lanes (i.e. the fourth and fifth lanes) and the incremental costs incurred by the City to cause Chagrin Valley Engineering, Ltd. to prepare plans and specifications for the two outside traffic lanes of Project K (i.e. the fourth and fifth lanes), together with all necessary appurtenances thereto and to equalize the same as to them as seems proper, in accordance with law and with Resolution No. R-4-16 adopted by this Council on March 14, 2016.

Section 2 - The Board shall first meet for the above purpose at City Hall, 36080 Chester Rd , Avon, Ohio 44011 on the 28th day of April, 2016, at 7:30 p.m. and upon the completion of such equalization shall report such equalized assessments to Council.

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Section 3 - The Clerk of Council is directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessment of the time and place of the hearing before the assessment equalization board.

Section 4 - 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 Resolution 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, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5 - This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City and for the further reason that the immediate appointment of the Board is necessary to protect the safety of the citizens of the City by permitting the process in connection with the construction of the improvements described herein to proceed as swiftly as possible in order that necessary improvements to infrastructure may be completed at the earliest time in accordance with law; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. 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

Posted: _____
In Five Places as
Provided by Council

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