

RESOLUTION NO. R-9-16

**A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE
AN INTEREST IN LAND FROM DOCKSIDE RESTAURANT GROUP LLC, d.b.a.
WOOD AND WINE RESTAURANT (09 WDV1, WDV2, TV1, TV2) FOR THE PURPOSE
OF RELOCATING THE INTERSECTION OF STATE ROUTE 611
AND CHESTER ROAD IN THE CITY OF AVON
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon, pursuant to contract with Ohio Department of Transportation (ODOT), needs to relocate and reconstruct the intersection of State Route 611 and Chester Road to line-up with Recreation Lane; and

WHEREAS, pursuant to Chapter 163 of the Ohio Revised Code, it is necessary for the City to appropriate all the necessary interests in land for the purpose of reconstructing and relocating said intersection and all appurtenances thereto; and

WHEREAS, with respect to property owned by Dockside Restaurant Group LLC, d.b.a. Wood and Wine Restaurant, a fee simple interest in land and a temporary construction easement have been identified as necessary for the completion of the project; and

WHEREAS, Council hereby declares that the appropriation of land is necessary and will promote the health, safety and welfare of the citizens of Avon and the general public by allowing for the reconstruction and relocation of Chester Road at State Route 611 and thereby enhance the flow of vehicular traffic in and around this area of the City of Avon and is a public use, as defined in Ohio Revised Code Section 163.01(H)(2).

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

Section 1 - That Council hereby declares it necessary to appropriate interests in real estate for the public purpose as defined in ORC 163.01(H)(2) of reconstructing and relocating the intersection of Chester Road and State Route 611, viz., a fee simple interest in land and a temporary construction easement in and over premises owned by Dockside Restaurant Group LLC, d.b.a. Wood and Wine Restaurant (09 WDV1, WDV2, TV1, TV2) located in the City of Avon and more fully described in the attached Exhibits A, all of which are incorporated herein by reference.

Section 2 - The Clerk of Council is hereby directed to serve notice of the passage of this Resolution on the owners of the above-described property as provided by law. The Notice of Intent to Acquire and Good Faith Offer and appraisal required by Ohio Revised Code 163.04 was submitted to the property owner in person on February 21, 2014, receipt of which was acknowledged on the same day.

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 Resolution were taken in an open

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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.

Section 4 - That this Resolution 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 to appropriate the aforementioned interests in land for the reconstruction and relocation of a public roadway, to wit: Chester Road and State Route 611; 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