

ORDINANCE NO. 8-17

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
EASEMENT AGREEMENTS WITH DAVID A. AND KIMBERLY A. HORWEDEL
AND ROY A. AND NORMA A. JAMES FOR THE INSTALLATION OF SANITARY
SEWER LINES UNDER AND ACROSS THEIR PROPERTIES
AS PART OF PHASE ONE OF THE JOSEPH, PUTH, ELIZABETH
AND DETROIT SANITARY SEWER PROJECT
AND DECLARING AN EMERGENCY**

WHEREAS, the City is in need of providing sanitary sewer service to several properties along Detroit, Joseph, Puth and Elizabeth roads (hereinafter referred to as the “affected area”) pursuant to an Ohio EPA Consent Agreement, Ord. No. 37-13, passed April 1, 2013; and

WHEREAS, this affected area is located within the Jaycox Road Sanitary Sewer District; and

WHEREAS, Sitetech, Inc. (hereinafter referred to as “Sitetech”), a residential subdivider of land desires to develop a subdivision to be known as West Wickham Subdivision No. 1 on acreage it owns in an area along the eastern edge of the Jaycox Road Sanitary Sewer District; and

WHEREAS, there is currently no sanitary sewer service available along this eastern edge of the Jaycox District; and

WHEREAS, to facilitate the development of said subdivision, Sitetech is proposing a modification to the City’s Sanitary Sewer Master Plan to remove approximately 70 acres of its land from the Jaycox Road District to the Nagel Road District thus enabling the immediate development of its property; and

WHEREAS, the Administration, considering the cost of servicing the affected area with a sanitary sewer connected to the Jaycox District, supports the subdivider’s request for a modification of the Sanitary Sewer Master Plan to enable the development of the West Wickham Subdivision by allowing sanitary sewer flows to enter the Nagel Road District; and

WHEREAS, this modification will, most importantly, enable a portion of the affected area to be serviced through the West Wickham subdivision at a cost savings to affected residents; and

WHEREAS, David A. and Kimberly A. Horwedel and Roy A. and Norma A. James own land on the north side of Detroit Road that abuts the southern end of the proposed West Wickham subdivision; and

WHEREAS, to allow for the City to make the necessary connection from the affected area to the Nagel Sanitary Sewer District through the future West Wickham Subdivision, easements needed to be acquired over their lands; and

WHEREAS, the terms of these easements have been negotiated between the City and the property owners and the Administration recommends Council authorize the Mayor to enter into

said easements with James and Horwedels to facilitate the future connection to the West Wickham sanitary sewer; and

WHEREAS, Council, after reviewing the easements, finds them to be fair to all the parties thereto and that authorizing the Mayor to execute same to be in the best interest of the health, safety and welfare of the citizens of Avon in promoting the sanitary disposal of solid waste and maintenance of cleaner stormwater for the community.

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

Section 1 - That the Mayor is hereby authorized to enter into Permanent and Temporary Easement Agreements with David A. and Kimberly A. Horwedel and Roy A. and Norma A. James to enter onto, under and over property they own at 34010 Detroit Road (PP# 04-00-022-102-054) and 34008 Detroit Road (PP#04-00-022-102-062), respectively, to facilitate construction and maintenance of sanitary sewers that will facilitate a connection between Detroit Road and the West Wickham Subdivision. A copy of said easements are attached hereto as Exhibit A (Horwedel) and Exhibit B (James) and are incorporated herein by this reference.

Section 2 - 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 all deliberations of this Council and of any of its committees that resulted in such 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 3 - 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 authorize the Mayor to execute easements across the Horwedel and James properties to facilitate construction and maintenance of sanitary sewers and a future connection from Detroit Road to the West Wickham Subdivision; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Robert J. Butkowski, Council President Pro Tem

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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