

ORDINANCE NO. -34-17

**AN ORDINANCE TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS
ACROSS PERMANENT PARCEL 04-00-001-102-007 IN ASSOCIATION WITH THE
VETERANS PARK DRIVEWAY AND PARKING IMPROVEMENT PROJECT - PHASE 1
AND DECLARING AN EMERGENCY**

WHEREAS, City of Avon had recently acquired Permanent Parcel No. 04-00-001-103-318, an 18.44-acre parcel of land located between the western border of Veteran's Memorial Park and the eastern Right-of-Way line of Case Road; and

WHEREAS, City Officials have determined that Veteran's Memorial Park and the community as a whole would be benefitted by performance of various public infrastructure improvements within the park including the construction of the following: a new driveway and entrance across the newly acquired parcel out to Case Road; additional water main to create a looped supply system, sanitary sewers to service future restroom facilities, electrical conduits to facilitate future lighting and electrical service improvements; re-shaping and expansion of a winter sledding hill; storm water management facilities; a storm sewer and drainage system serving the park area new driveway and a portion of Case Road; and construction of approximately 132 additional paved parking spaces.; and

WHEREAS, in the interest of sound budgetary policy it has been recommended by the City Administration to complete the overall plan of park improvements in multiple phases; and

WHEREAS, the City Administration has formulated engineered plans and specifications to complete the following tasks as a Phase 1 project: Install additional water main to create a looped supply system, install sanitary sewers to service future restroom facilities, perform a partial re-shaping of a winter sledding hill; install storm water management facilities and a storm sewer drainage system to serve the future park area entrance driveway and a portion of Case Road; and

WHEREAS, the installation of storm sewer system from the park property on the east side of Case Road requires a sufficient outlet point for storm water discharge; and

WHEREAS, as there is not a sufficient storm sewer drainage system along Case Road in the vicinity of the proposed park property it is needed to acquire a permanent storm sewer easement across Permanent Parcel No. 04-00-001-102-007 on the west side of Case Road to reach a sufficient outlet point for storm water discharge; and

WHEREAS, the portion of Permanent Parcel No. 04-00-001-102-007 needed for said storm water easement is owned by the Fathers of St. Joseph, Inc., a religious order, and leased by Willoway Nurseries, Inc. for agricultural purposes it is necessary to gain the approval of both entities; and

WHEREAS, discussions with both entities resulted in acceptance of a twenty foot wide permanent storm sewer easement and a ten foot wide temporary construction easement to facilitate construction of a storm sewer system from a sufficient outlet point on the west western side of Permanent Parcel No. 04-00-001-102-007 to the Case Road Right-of-Way in exchange for good and valuable considerations including replacement of a pond outlet grate and reimbursement of costs to relocate potentially impacted nursery stock as described in the attached documents; and

WHEREAS, Council finds that it is in the best interest of the health, safety and welfare of the Community that the City accept the temporary and permanent easements described in the attached documents in order to facilitate the installation of storm water drainage improvements associated with the Veterans Park Driveway and Parking Improvement Project – Phase 1.

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

Section 1 - That Council hereby authorizes the Avon Mayor to execute the permanent and temporary easements attached hereto and incorporated herein by this reference and to facilitate the completion of the good and valuable considerations stipulated therein as part of the work to be performed in Phase 1 of the project. These improvements shall be made pursuant to plans and specifications developed by the City Engineer and Chagrin Valley Engineering, Ltd. which shall be on file and open for inspection at the Office of the Clerk of Council and incorporated herein by reference.

Section 2- 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, 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 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 complete the Veterans Park Driveway and Parking Improvement Project – Phase 1 during the 2017 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 L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

Ordinance No. 34-17 (Con't)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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