

**ORDINANCE NO. 70-17**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR 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**, this Council (the “Council”) of the City of Avon, Lorain County Ohio (the “City”) duly adopted Resolution No. R-4-16 on March 11, 2016 (the “Resolution”) and declared the necessity of 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 (the “Assessment Project”) as described in the Resolution and the underlying Petition attached to the Resolution as Exhibit A (the “Petition”); and

**WHEREAS**, the construction and reconstruction of a portion of Chester Road as described in the Resolution was completed and the final cost of the Assessment Project has been determined; and

**WHEREAS**, Council finds that the levying of special assessments to cover the cost of these improvements to abutting property owners to be in the best interest of the health, safety and welfare of the citizens of Avon; and

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

Section 1 - Each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in the Resolution R-4-16 and/or the Petition attached thereto.

Section 2 - The special assessments for the cost and expense of the Assessment Project which were set forth in the aforementioned Resolution and are on file with the Clerk of the Council and the Finance Director, the aggregate amount of which is Six Million, Seven Hundred Forty Thousand, Six Hundred, Sixteen Dollars and 15/100 Cents (\$6,740,616.15), are adopted and confirmed, levied and assessed upon the lots and lands provided for in Exhibit 1, attached hereto and incorporated herein, and are not in excess of the special benefits to such lots and lands as assessed and are not in excess of any statutory limitations.

Section 3 - The Special Assessments against each lot and/or parcel of land as set forth in Exhibit 1 (the “Assessed Properties”) shall be payable in cash within sixty (30) days of the passage of this ordinance or, at the option of the property owner(s) subject to the Special Assessments, will be assessed against the Assessed Properties commencing in tax year 2017 for collection in tax year 2018 and shall continue through tax year 2037 for collection in tax year 2038. The list of Special Assessments to be levied and assessed against the Assessed Properties and the Schedule of the Special Assessments are attached to this Ordinance as Exhibit 1. All Special Assessments shall be certified by the Treasurer to the Lorain County Auditor pursuant to the Resolution and Ohio Revised Code Section 727.33 to be placed on the tax list and duplicate

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and collected with and in the same manner as real property taxes are collected and as set forth in the Resolution.

Section 4 - The Finance Director shall keep the Special Assessments on file in the Finance Department. In compliance with Ohio Revised Code Section 319.61, the Clerk of the Council is hereby directed to deliver a certified copy of this Ordinance to the Lorain County Auditor within twenty (20) days after its passage.

Section 5 – That it is hereby found and determined that all formal actions of the Council of the City of Avon concerning and relating to the passage of this Ordinance were taken 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 action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

Section 6 - 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 reasons set forth herein and together with the need for the City to finance the project with the sale of bonds in August of 2017 and to begin collecting the funds it expended for the improvement of Chester Road as set forth and the affected Assessed Properties; 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

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Barbara Brooks  
Clerk of Council

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POSTED: \_\_\_\_\_  
In Five Places as  
Provided by Council

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