

ORDINANCE NO. 13-19

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF
MUNICIPAL PROPERTIES HAVING A VALUE
OF LESS THAN \$10,000 (LIGHT POLES)
AND DECLARING AN EMERGENCY**

WHEREAS, Article VIII, Section 5 of the Avon City Charter authorizes the disposal of City property no longer needed for municipal purposes and having a value of less than Ten Thousand (\$10,000) Dollars in any manner deemed appropriate by City Council; and

WHEREAS, the City of Avon has been storing the old, defective light poles that were removed from the municipal stadium back in early 2012 shortly after the December 15th, 2011 incident involving the collapse of one of the light poles after a severe storm; and

WHEREAS, the Service Director has contacted several scrap haulers in an effort to have the poles removed from the City's property adjacent to the stadium parking lot; and

WHEREAS, the cost of the removal of the poles, i.e., cutting the poles down to fit in a shipping container, loading the poles into the container, trucking the poles to the scales and all the labor associated with these processes generally exceeds the wholesale value of the scrap; and

WHEREAS, the Service Director has identified one entity willing to remove the poles from the site at no cost to the City; and

WHEREAS Council, having considered all of the facts and circumstances surrounding the disposal of this property, finds that the proposal submitted by RLD Properties Ltd to be the most cost effective way of disposing of this property and contracting with them is in the best interests of the health, safety and welfare of the citizens of Avon

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

Section 1 - That the proposal submitted by RLD Properties LTD for the removal of municipal property listed in Exhibit "A," which is attached hereto and incorporated herein by reference, namely, old and defective light poles from the municipal stadium, is hereby accepted. The Service Director is hereby authorized to dispose of said property in the manner set forth therein. Any funds received in exchange for the property shall be turned over to the Finance Director and deposited into the General Fund.

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.

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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 dispose of city property, namely, old, defective light poles from the municipal stadium; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

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