

RESOLUTION NO. R-35-19

A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATIVE TO THE FOLLOWING IMPROVEMENTS: ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE, AND DETROIT ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 6,100-FOOT SANITARY SEWER SYSTEM ALONG ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET AND DETROIT ROAD BETWEEN ADDRESSES 34008 AND 34901, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO; AND DECLARING AN EMERGENCY

WHEREAS, Council on September 9, 2019, adopted Resolution No. R-22-19 (the “Resolution of Necessity”) and declared it necessary to improve an area of the City that currently is not serviced by a public sanitary sewerage disposal system due to the unavailability of wastewater treatment facilities in the area, to wit: Detroit Road between addresses 34008 and 34901 and Elizabeth Street, Joseph Street, and Puth Drive consisting of approximately one hundred and seven (107) parcels of land (hereinafter referred to as the “Affected Area”) by the construction of a sanitary sewer system, together with all necessary appurtenances thereto (collectively, the “Improvement”); and

WHEREAS, prior to the adoption of the Resolution of Necessity, the plans and specifications of the Improvement, along with the estimated assessments for the Improvement, were prepared and placed on file in the office of the Clerk of Council; and

WHEREAS, notice of the adoption of the Resolution of Necessity and of the filing of said estimated assessments was been served upon all property owners to be assessed in the manner provided by law; and

WHEREAS, timely written objections to said estimated assessments have been filed by one or more such property owners necessitating the appointment of an assessment equalization board (the “AEB”).

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

Section 1 - That Patricia Jankowski, Patricia Ashley and James Gemelas, three disinterested freeholders within the City of Avon, be and they are hereby appointed to act as an AEB. Marcel Mylen is also appointed as an alternate member of the AEB to act in the absence of any other members of the AEB. The AEB shall hear and determine all timely written objections to the estimated assessments heretofore filed with the Clerk of Council pursuant to the Resolution. The AEB is hereby authorized and directed to equalize such assessments as it deems proper to conform to the standards prescribed by the Resolution and by law.

Section 2 – The AEB shall meet at Avon City Hall in the City Council Chambers on Tuesday, January 28th, 2020, Thursday, January 30th, 2020 and, if necessary Tuesday, February 4th, 2020 at 7:00 p.m. for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Resolution No. R-35-19 (Cont.)

Section 3 - The Clerk of Council is hereby authorized and directed to notify, by certified mail not less than five (5) days before the date of the AEB hearing, each person who has filed a timely written objection to said estimated assessment of the time and place of said hearing of the AEB.

Section 4 - This Council finds and determines that all formal actions of this Council of the City of Avon concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this City Council and of 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 5 - This Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the citizens of Avon, the immediate emergency being the necessity to move forward with the assessments in order to construct and finance the project urgently needed to protect the safety of the citizens of the City; therefore, this Resolution shall be in full force and effect from and immediately upon its passage by Council and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

BY: _____
Craig L. Witherspoon, President of Council

DATE SIGNED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

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