

ORDINANCE NO. 31-20

AN ORDINANCE DETERMINING TO PROCEED WITH CITY IMPROVEMENTS TO 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 AND DECLARING AN EMERGENCY.

WHEREAS, Council, on September 9, 2019, passed Resolution No. R-22-19 (the “Resolution of Necessity”) declaring therein the necessity of making the public improvement described in Section 1 hereof; and

WHEREAS, an Assessment Equalization Board was established pursuant to R-35-19 passed on December 19, 2019 and a series of hearings were held on January 28, January 30 and February 4 of 2020 to consider objections timely filed by affected property owners; and

WHEREAS, on March 9, 2020, Council passed R-10-20 approving the Report of the Assessment Equalization Board; and

WHEREAS, Council finds it to be in the best interests of the health, safety and welfare of the citizens of Avon to proceed with the said improvement.

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

Section 1 - It is hereby determined to proceed with the improvement of the City by the construction of a sanitary sewer system approximately six thousand one hundred (6,100) feet in length from Detroit Road address 34008 to address 34901 as well as along the entirety of Elizabeth Avenue, Puth Drive, and Joseph Street together with all necessary appurtenances and related improvements thereto (the “Public Improvements”). The Public Improvements shall be made in accordance with the provisions of the above-mentioned resolution of necessity and with the plans, specifications, profiles and estimate of cost previously approved and now on file with the Clerk of Council.

Section 2 - An assessment to pay a portion of the costs of the Public Improvements as provided in the Resolution of Necessity shall be assessed in the manner and number of installments provided in the Resolution of Necessity and on the lots and lands described therein, and as approved and recommended by the Assessment Equalization Board. The estimated special assessments for costs of the Public Improvements previously prepared and filed in the office of the Clerk of Council and approved by the Assessment Equalization Board, are adopted.

Section 3 - That no claims for damages resulting from the Public Improvements have been legally filed.

Section 4 - The Clerk of this Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within fifteen (15) days after its passage.

Ordinance No. 31-20 (Con't.)

Section 5 - Subject to the provisions of Section 727.24 of the Ohio Revised Code, the Mayor is hereby authorized and directed as soon as the funds therefor are available to make and sign a contract for the Public Improvement with the lowest and best bidder after advertising according to law and the Public Improvement shall be financed as provided in the Resolution of Necessity.

Section 6 - It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any such formal action were in meetings open to the public, in compliance with all legal requirements including the City's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 7 - This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of Avon the immediate emergency being the necessity to commence the Public Improvements, which are needed to provide an adequate sanitary sewer system to service the affected portions of Joseph Street, Puth Drive, Elizabeth Avenue and Detroit Road; therefore, this Ordinance shall be in full force and effect immediately upon passage of Council by the required three-fourths majority and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, 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

Ordinance No. 31-20 (Con't.)

Posted: _____
In Five Places as
Provided by Council

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

SECTION 319.61 CERTIFICATE

The undersigned, Clerk of Council of the City of Avon, Ohio (the “City”), certifies that on March ____, 2020, the City delivered to the Auditor of Lorain County a certified copy of Ordinance No. ____, passed March ____, 2020, by such Council.

Barbara Brooks, Clerk of Council

March ____, 2020