

ORDINANCE NO. 73-20

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT
3535 JAYCOX ROAD, PARCEL NO. 04-00-023-108-073 FROM
AMY M. MURIELLO and JOHN M. MURIELLO
AND DECLARING AN EMERGENCY**

WHEREAS, in 2018, the owners of the residence at 3535 Jaycox Road brought it to the attention of the City that their home was suffering recurring flooding due to its proximity to the adjacent Schwartz Creek; and

WHEREAS, the City Engineer determined that the structure in question was located in a FEMA designated 100-Year Flood Zone and FEMA designated Floodway associated with the creek, and;

WHEREAS, the City of Avon was made aware of federal assistance to mitigate the effects of this flooding of the Muriello's property through Federal Emergency Management Agency's (FEMA's) Hazardous Mitigation Grant Program (HMGP), and;

WHEREAS, Council passed Resolution R-27-18 on October 22, 2018 in support of seeking Federal Emergency Management Agency (FEMA) hazardous mitigation assistance funding to acquire, demolish and restore the referenced property; and

WHEREAS, Council then passed Ord. No. 102-19 on November 25, 2019 to designate the City as agent for the administration of the City's "Mitigation Assistance Acquisition-Demolition Project" funded under the FEMA Hazardous Mitigation Grant Program (HMGP) and to proceed with the grant application; and

WHEREAS, on June 8, 2020, the City was notified by the Ohio Department of Public Safety, Emergency Management Agency, that the appraised value for the property at 3535 Jaycox Road was accepted and to proceed with making an offer to the existing owners; and

WHEREAS, the owners have accepted the offer and hereby wish to enter into a purchase agreement with the City; and

WHEREAS, the Mayor seeks authorization from Council to enter into a Purchase Agreement with Amy M. Muriello and John M. Muriello, for the purchase of their 0.64-acre parcel of land located at 3535 Jaycox Road; and

WHEREAS, Council has had an opportunity to meet with the Mayor and discuss the purchase of the subject property, including the terms of the transaction as set forth in the proposed Purchase Agreement; and

WHEREAS, Council deems it to be in the best interests of the health, safety and welfare of the community that the City acquire the land being offered for sale at 3535 Jaycox Road pursuant to the City of Avon Hazard Mitigation Grant Program Acquisition Project.

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

Section 1 - That the Mayor is hereby authorized to enter into a Purchase Agreement with Amy M. Muriello and John M. Muriello to acquire their parcel of land consisting of approximately 0.64 acres, located at 3535 Jaycox Road in the City of Avon, Permanent Parcel No. 04-00-023-108-073 under the City of Avon Hazard Mitigation Grant Program Acquisition Project (funded under DR-4360-18-R-OH). Said Agreement is attached hereto as Exhibit A and incorporated herein by this reference in substantially the same form as it is to be executed by the parties.

Section 2 - Council has authorized payment to be made in an amount equal to that set forth in the Purchase Agreement pursuant to Ord. No. 62-20. Payment is to be made pursuant to directives of the Finance Director. Further, the Finance Director is authorized to increase the appropriation by a reasonable amount to cover any engineering, legal and closing fees associated with this purchase.

Section 3 - 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, or otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - 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 for the City to acquire Muriello property and utilize the funds being provided through the FEMA Hazardous Mitigation Grant Program before their expiration period; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

Ordinance No. 73-20 (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, City of Avon