

ORDINANCE NO. 17-21

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT
IN THE CITY OF (I) FRENCH CREEK ROAD BY CONSTRUCTION OF
AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH
CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (II) CENTURY LANE
BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY
SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES
AND RELATED IMPROVEMENTS THERETO, IN ACCORDANCE WITH
RESOLUTION NO. R-8-19, ADOPTED ON APRIL 8, 2019
AND DECLARING AN EMERGENCY.**

WHEREAS, the improvement described in Section 1 of this Ordinance has been completed and the final cost of the improvement has been determined; and

WHEREAS, Council finds it to be in the best interests of the health, safety and welfare of the Community that the assessment be levied upon the parcels of land adjacent to the improvement along French Creek Road.

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

Section 1 - The special assessments for the cost and expense of improvement in the City of Avon of (a) French Creek Road, by the construction of an approximately 2,400-foot sanitary sewer from 38151 French Creek Road to 37556 French Creek Road, including the removal from service of an existing outdated sanitary sewerage pump station and associated force main, and (b) Century Lane, by the construction of an approximately 230-foot sanitary sewer that will connect an existing sanitary sewer on Century Lane south of Detroit Road beginning near 37889 Detroit Road to an existing sanitary sewer on Century Lane north of Detroit Road at 3004 Century Lane, each together with all necessary appurtenances and related improvements (the "Improvement"), in accordance with Resolution No. R-8-19, adopted on April 8, 2019 (the "Resolution of Necessity"), amounting in the aggregate to \$236,027.88, which were filed and are on file with the Clerk, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in the Resolution of Necessity in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2 - This Council finds and determines that the special assessments now on file with the Clerk are in the same proportion to the estimated special assessments as the actual cost of the Improvement is to the estimated cost of the Improvement as originally filed.

Section 3 - This Council determines to extend the 30-day period described in the Resolution of Necessity in which special assessments may be made in cash to 90 days as a result of the City internally financing the Improvement by using available money in the Sanitary Sewer Replacement & Depreciation Fund No. 406 instead of issuing securities. Accordingly, the special assessment against each lot or parcel of land shall be payable in cash on or before 90 days after the date of passage of this Ordinance or, at the option of the owner, in 20 annual installments at

the interest rate of 2% per year, which this Council determines, in consultation with an investment banking firm knowledgeable in securities issued in anticipation of the collection of special assessments, to be an interest rate substantially equivalent to the fair market rate or rates that would have been borne by securities issued in anticipation of the collection of the special assessments if such securities had been issued by the City. All special assessments remaining unpaid at the expiration of that cash payment period shall be certified by the Clerk to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 4 - All special assessments received by the City must be deposited in its Sanitary Sewer Replacement & Depreciation Fund No. 406 to reimburse the City for payment of costs of the Improvement.

Section 5 - The Clerk is directed to cause a notice of the passage of this Ordinance (See Exhibit A attached hereto) to be published once in a newspaper of general circulation in the City and to keep the list of special assessments on file in the office of the Clerk.

Section 6. The Clerk must deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

Section 7 – 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.

Section 8 - This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance must be immediately effective so that the levy of special assessments may be effective at once so as to begin the cash payment period to promptly reimburse the City for payment of the costs of the Improvements; therefore this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, the earliest period allowed by law.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

Ordinance No. 17-21 (Con't)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Books, Clerk of Council

Posted: _____
In Five Places, as provided by Council

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