

ORDINANCE NO. 23-21

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT AN UNDERGROUND UTILITY EASEMENT TO THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, FOR INSTALLATION OF AN UNDERGROUND POWER LINE ON CITY PROPERTY LOCATED AT THE SOUTHWEST CORNER OF VETERANS MEMORIAL PARKWAY, UP TO AND INCLUDING THE MAINTENANCE BUILDING AND DECLARING AN EMERGENCY

WHEREAS, to facilitate the installation of underground utility transmission lines for the transmission and distribution of electric current, including communication facilities in, under and across City owned property, Permanent Parcel No. 04-00-001-103-314, the City deemed it necessary and appropriate to grant an underground utility easement under its property from the southwest corner of Veteran's Memorial Parkway, then south into Veterans Memorial Park up the snack bar/restroom facility in the middle of the park; and

WHEREAS, the City now desires to extend this line west between field no. 1 and field no. 2 in order to provide additional power to the existing maintenance building; and

WHEREAS, Council having reviewed the easement together with the survey map finds the underground utility easement to be in the best interests of the health, safety and welfare of the citizens of Avon in promoting the installation of underground utility transmission lines for the transmission and distribution of electric current to the Veterans Park maintenance facility.

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

Section 1 - That the Mayor is hereby authorized to grant an underground utility easement in substantially the form as set forth in Exhibit A, attached hereto and incorporated herein by this reference, on and over City owned property, Permanent Parcel No. 04-00-001-103-314, from the southwest corner of Veteran's Memorial Parkway, then south into Veterans Memorial Park and then west between fields 1 and 2 and up to and including the maintenance building. The City deems it necessary and appropriate to grant said easement over its property to facilitate the installation of underground utility transmission lines for the transmission and distribution of electric current as set forth in the attached Exhibit A which is incorporated herein by reference.

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.

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 authorize the Mayor to grant an underground utility easement to The Cleveland Electric Illuminating Company, over City property to facilitate the installation of underground utility transmission lines for the

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transmission and distribution of electric current in, under and across City owned property;
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

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