

ORDINANCE NO. 50-23

**AN ORDINANCE DETERMINING TO PROCEED WITH THE
CONSTRUCTION AND RECONSTRUCTION
OF APPROXIMATELY 475 LINEAL FEET OF CHESTER ROAD,
TOGETHER WITH ALL NECESSARY APPURTENANCES
AND RELATED IMPROVEMENTS THERETO
AND DECLARING AN EMERGENCY.**

WHEREAS, this Council duly adopted Resolution No. R-13-23 on March 13, 2023 (the “Resolution of Necessity”) (a) declaring the necessity to improve Chester Road by the construction and reconstruction of approximately 475 lineal feet of Chester Road, including but not limited to widening that portion of Chester Road from a two-lane road to a three-lane road, water main and drainage improvements, and street improvements, as more particularly described in the Resolution of Necessity, together with all necessary appurtenances and related improvements (collectively, the “Public Improvements”), and (b) accepting an affidavit and petition requesting the Public Improvements (the “Petition”);

WHEREAS, Council now determines that the project shall proceed as being in the best interests of the health, safety and welfare of the community.

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

Section 1 That it is hereby determined to proceed with the Public Improvements, and the Public Improvements shall be made in accordance with the provisions of the Resolution of Necessity (R-13-23 passed on March 13, 2023) and with the plans, specifications, estimate, of cost and profiles approved in said Resolution and now on file in the office of the Council Clerk.

Section 2 No claims for damages by reason of the proposed Public Improvements have been filed in accordance with Section 727.18 of the Ohio Revised Code.

Section 3 The estimated assessments previously prepared and filed in the office of the Council Clerk are hereby adopted.

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

Section 5 Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Petition.

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 and safety of the City, and for the further reason that the immediate construction of the Improvement is necessary to protect the health and property of the abutting and adjacent owners; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: April 10, 2023

DATE SIGNED: April 10, 2023

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: April 11, 2023

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks
Clerk of Council

Posted: April 12, 2023
Electronically and at City Hall as
Provided by Council

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 50-23, passed by the Council of said City on April 10, 2023.

IN WITNESS WHEREOF, I have on this 11th day of April, 2023, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio