

**ORDINANCE NO. 22-15**

**AN ORDINANCE APPROPRIATING FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY NOW OWNED BY GARLAND GRIFFIN HOMES, INC., FOR THE PURPOSE OF CREATING PUBLIC PARKS AND RECREATION AREAS AND IMPLEMENTING STORMWATER RETENTION AND DETENTION SYSTEMS TO ALLEVIATE FLOODING IN AVON AND PROMOTING PUBLIC HEALTH, SAFETY AND WELFARE, AUTHORIZING THE APPROPRIATION OF FUNDS FOR SUCH ACQUISITION AND AUTHORIZING THE LEGAL PROFESSIONAL ASSOCIATION OF O'TOOLE, MCLAUGHLIN, DOOLEY & PECORA CO., LPA TO FILE A PETITION FOR APPROPRIATION IN THE COURT OF COMMON PLEAS OF LORAIN COUNTY, OHIO; AND DECLARING AN EMERGENCY.**

**WHEREAS**, this Council heretofore passed its Resolution No. R-3-15 pursuant to section 719.04 of the Ohio Revised Code declaring it necessary and declaring it to be the intention of the legislative authority of the City of Avon to appropriate fee simple interest in property owned by Garland Griffin Homes, Inc. for the purpose of creating public parks and recreation areas and implementing storm water retention and detention systems to alleviate flooding in Avon and promoting public health, safety and welfare;

**WHEREAS**, based upon an appraisal obtained by the City, the City has determined that the value of the property interests is equal to Two Million Dollars (\$2,000,000.00);

**WHEREAS**, the City has been unable to agree with the owner of the property for the purchase of the interests; and

**WHEREAS**, this Council had decided to proceed with the appropriation of said property interests;

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

Section 1 - That the interests in certain property now owned by Garland Griffin Homes, Inc., described in Exhibit A-1 attached hereto and incorporated in this ordinance as a part thereof is hereby appropriated for the purpose of creating public parks and recreation areas and implementing storm water retention and detention systems to alleviate flooding in Avon and promoting public health, safety and welfare.

Section 2 - That this Council finds that the appropriation provided for in section one of this ordinance is necessary for the stated public purpose and that the City of Avon has been unable to agree with the owner of the property.

Section 3 - That the legal professional association of O'Toole, McLaughlin, Dooley & Pecora Co., LPA is hereby authorized to file a petition for appropriation in the Court of Common Pleas of Lorain County, Ohio.

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Section 4 - That the City and legal counsel of the City are hereby authorized and directed to take such steps as they may deem appropriate or necessary to acquire the property interests and take possession at the earliest possible time, including, but not limited to: (i) commencing and pursuing proceedings in the Lorain County Court of Common Pleas for the appropriation; (ii) utilizing the procedures under Ohio Revised Code Section 163.06(B) to take immediate possession; (iii) depositing with the Lorain County Court of Common Pleas the sum required by Ohio Revised Code Section 163.06(B) to enable the City to take immediate possession; and (iv) submitting to the Court a declaration of intention to obtain possession as required by Ohio Revised Code Section 163.06(B).

Section 5 - That 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 for the reason that it is necessary to obtain the property interests promptly in order to obtain grant funds; and provided it receives the majority vote of two-thirds or more of those elected to City Council, it shall go into full force and effect from and immediately after its passage and its approval by the Mayor; otherwise it shall take effect at the earliest period allowed by law.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Ellen R. Young  
Clerk of Council

Posted: \_\_\_\_\_

In Five Places as  
Provided by Council

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