

**RESOLUTION NO. R-9-14**

**A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE A FEE SIMPLE INTEREST IN LAND OWNED BY SOUTH PARK, LLC FOR THE PURPOSE OF CONSTRUCTING AN EXTENSION OF NORTH LONG ROAD IN THE CITY OF AVON AND DECLARING AN EMERGENCY**

**WHEREAS**, Council for the City of Avon adopted a Master Plan in Ordinance No. 98-92, passed October 13, 1992, which identifies, among other things, the location of streets and zoning districts required for the orderly and planned future development of the community; and

**WHEREAS**, this Master Plan contains a Thoroughfare Plan that provides for a comprehensive guide for the installation of a coordinated network of public rights-of-way with the City of Avon corporate limits for the benefit, safety, health and welfare of its citizens; and

**WHEREAS**, Council for the City of Avon adopted a Master Sanitary Sewer Plan in Ordinance No. 136-96, passed March 24, 1997, which identifies existing and future sanitary sewer connections and provides a comprehensive guide for the installation of a coordinated network of public storm and sanitary sewers, along with related utilities, all of which are required for the orderly and planned future development of the community; and

**WHEREAS**, North Long Road is identified on this Master Plan as a north-south collector street connecting French Creek Road with Detroit Road (State Route 254); and

**WHEREAS**, in early 2003, South Park, LLC applied to Planning Commission for approval of its Preliminary Plat for the two phase Kenwyn Village Subdivision to be located between French Creek Road south to the McWilliams property; and

**WHEREAS**, this development required the construction of North Long Road from French Creek Road south to the McWilliams property together with all utilities and appurtenances thereto; and

**WHEREAS**, Planning Commission, by a vote of five (5) in favor and zero (0) opposed, approved the Preliminary Plat for this two phase subdivision on May 21, 2003; and

**WHEREAS**, South Park, LLC eventually developed Phase One of the subdivision and the City accepted dedication of the improvements on October 9, 2007 with Ordinance No. 130-07; and

**WHEREAS**, South Park, LLC has never developed phase two of the Kenwyn Village Subdivision; and

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**WHEREAS**, the City now desires to see the completion of North Long Road south to other properties in the sewer district in conformance with the Master Plan, the Thoroughfare Plan and the Sanitary Sewer Master Plan; and

**WHEREAS**, pursuant to Chapter 163 of the Ohio Revised Code, it is necessary for the City to appropriate the necessary fee simple interest in the land owned by South Park, LLC for the purpose of constructing the extension of North Long Road together with all appurtenances thereto; and

**WHEREAS**, Council hereby declares that the appropriation of land to be necessary to allow for the construction of the extension of North Long Road between French Creek Road and the McWilliams property to the south thereby facilitating the future completion of North Long Road to Detroit Road and the extension of sanitary sewers to areas in the southern portion of the Sanitary Sewer District No. 4 all of which constitutes a public use, as defined in Ohio Revised Code Section 163.01(H)(2), and further promotes the health, safety and welfare of the citizens of Avon and the general public.

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

Section 1 - That Council hereby declares it necessary to appropriate an interest in real estate for the public purpose as defined in ORC §163.01(H)(2) of constructing an extension of North Long Road from its terminus south of French Creek Road to the McWilliams property line, viz., a fee simple interest in the premises owned by South Park, LLC, located in the City of Avon and more fully described in the attached Exhibit A, which is incorporated herein by reference.

Section 2 - The Clerk of Council is hereby directed to serve notice of the passage of this Resolution on the owner (South Park, LLC) of the above-described property as provided by law.

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 Resolution 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, in compliance with all legal requirements.

Section 4 - That this Resolution 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 to appropriate the aforementioned interest in land for the construction of public roadway, to wit: The extension of

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North Long Road to the McWilliams property; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

By: \_\_\_\_\_  
Craig 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

EXHIBIT A  
(To Resolution R-9-14)

SURVEY DESCRIPTION  
NORTH LONG ROAD EXTENSION  
CITY OF AVON, LORAIN COUNTY, OHIO

Situated in the STATE of OHIO, County of Lorain, City of Avon, being a part of Original Avon Township Section No. 3 and being known as a part of the REMAINDER Parcel of KENWYN VILLAGE SUBDIVISION as shown by PLAT recorded in Volume 94, Page 12 of the Lorain County Plat Records and being further bounded and described as follows:

Beginning at the southeast corner of Sublot No. 8 as it appears on said subdivision plat, being also the southwest terminus of North Long Road (80 feet wide), Thence South  $89^{\circ}50' 01''$  East along the south line of North Long Road a distance of 80.13 feet to its southeast terminus, said point being also the southwest corner of Sublot No. 7;

Thence southwesterly along the arc of a curve deflecting to the left, having a radius of 660.00 feet, a delta angle of  $03^{\circ} 22' 22''$ , an arc length of 38.85 feet, a tangent of 19.43 feet and a chord of 38.85 feet bearing South  $01^{\circ} 56' 06''$  West to a point of tangency;

Thence South  $00^{\circ} 15' 00''$  West a distance of 102.17 feet to a point in the south subdivision line, being also the south line of said Section No. 3;

Thence North  $89^{\circ} 50' 01''$  West along said subdivision line and south line of said Section No. 3 a distance of 80.00 feet to a point;

Thence North  $00^{\circ} 15' 00''$  East a distance of 102.29 feet to a point of curvature;

Thence Northeasterly along the arc of a curve deflecting to the right, having a radius of 740.00 feet, a delta angle of  $02^{\circ} 59' 55''$ , an arc length of 38.73 feet, a tangent of 19.37 feet and chord of 38.73 feet bearing North  $01^{\circ} 45' 21''$  East to the point of beginning and containing therein 0.2590 acre of land.

This description was prepared by ZWICK ASSOCIATES, INC., Peter D. Zwick, Registered Surveyor No. 7429 and is based on the Plat of KENWYN VILLAGE SUBDIVISION recorded in Volume 94, Page 12 of PLATS. North datum used is the bearing of record of the south line of Section No. 3.