

RESOLUTION NO. R-12-14

A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE AN INTEREST IN LAND FROM DOCKSIDE RESTAURANT GROUP, LLC (DBA WOOD & WINE) (09 WDV,TV) FOR THE PURPOSE OF RELOCATING THE INTERSECTION OF STATE ROUTE 611 AND CHESTER ROAD IN THE CITY OF AVON AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon, pursuant to contract with Ohio Department of Transportation (ODOT), is preparing to relocate and reconstruct the intersection of State Route 611 and Chester Road to line-up with Recreation Lane; and

WHEREAS, pursuant to Chapter 163 of the Ohio Revised Code, it is necessary for the City to appropriate all the necessary interests in land for the purpose of reconstructing and relocating said intersection and all appurtenances thereto; and

WHEREAS, with respect to property owned Dockside Restaurant Group, LLC (dba Wood & Wine), a fee simple interest in land and a temporary construction easement have been identified as necessary for the completion of the project; and

WHEREAS, Council hereby declares that the appropriation of land is necessary and will promote the health, safety and welfare of the citizens of Avon and the general public by allowing for the reconstruction and relocating of Chester Road at State Route 611 and thereby enhance the flow of vehicular traffic in and around this area of the City of Avon and is a public use, as defined in Ohio Revised Code Section 163.01(H)(2).

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 interests in real estate for the public purpose as defined in ORC ' 163.01(H)(2) of reconstructing and relocating the intersection of Chester Road and State Route 611, viz., a fee simple interest in land and a temporary construction easement in and over premises owned by Dockside Restaurant Group, LLC (dba Wood & Wine), (09 WDV,TV) located in the City of Avon and more fully described in the attached Exhibits A, all of 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 owners of the above-described property as provided by law. The ANotice of Intent to Acquire and Good Faith Offer@ and appraisal required by Ohio Revised Code ' 163.04 was hand-delivered and signed for on February 21, 2014 by the authorized representative of the Dockside Restaurant Group, LLC (dba Wood & Wine).

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

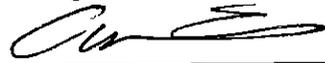
Resolution R-12-14 (Con=t.)

any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

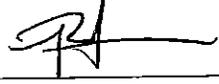
Section 4 - That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to appropriate the aforementioned interests in land for the reconstruction and relocation of a public roadway, to wit: Chester Road and State Route 611; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

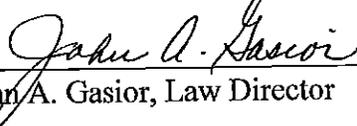
PASSED: June 23, 2014

DATE SIGNED: June 23, 2014

By: 
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: June 24, 2014


Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: June 25, 2014
In Five Places as
Provided by Council

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

I, Ellen R. Young, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Resolution No. R-12-14, passed by the Council of said City on June 23, 2014.

IN WITNESS WHEREOF, I have on this 25th day of June, 2014, affixed my signature and official seal.


Ellen R. Young, Clerk of the Council of the City of Avon, Ohio