

ORDINANCE NO. 108-13

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT
IN THE CITY OF AVON BY THE CONSTRUCTION OF AN INTERCHANGE ON
INTERSTATE 90 AT NAGEL ROAD, TOGETHER WITH ALL NECESSARY
APPURTENANCES AND RELATED IMPROVEMENTS THERETO, IN
ACCORDANCE WITH RESOLUTION NO. R-13-11, ADOPTED ON JUNE 27, 2011,
AND DECLARING AN EMERGENCY**

WHEREAS, a determinable portion of the improvements described in Section 2 hereof has been completed and the final cost of that portion of improvements has been determined in accordance with a petition requesting those improvements, which petition was originally submitted to and accepted by this Council on June 27, 2011, which petition has been previously amended by the Property Owner and which petition has been further amended by the Property Owner and submitted to and hereby approved this Council on the date hereof (the "Petition");

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

Section 1: Each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in the Petition.

Section 2: The special assessments for the cost and expense of improving the City by the construction of an interchange on Interstate 90 at Nagel Road, as more particularly described in Exhibit B to the Petition (the "Public Improvements"), together with all necessary appurtenances and related improvements thereto, in accordance with Resolution No. R-13-11, adopted on June 27, 2011, amounting in the aggregate to \$5,624,993.55, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for, in the respective amounts provided and shall be payable in the manner and number of installments as specified in the Special Assessment Certification List attached hereto as Exhibit 1.

Section 3: This Council finds and determines that the special assessments now on file with the Clerk are in the same proportion to the estimated special assessments as the actual cost of the improvement is to the estimated cost of the improvement as originally filed.

Section 4: The Director of Finance of the City is hereby authorized and directed to file this Ordinance and the Special Assessment Certification List with the County Auditor on or before September 9, 2013.

Section 5: The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within twenty (20) days after its passage.

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 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 it is immediately needed to provide adequate storm water drainage, protect the public health, afford fire protection and eliminate hazards to pedestrian and vehicular traffic; and provided it receives the affirmative vote of two-thirds of the members of Council, it shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____ DATE SIGNED: _____

Dan Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

EXHIBIT 1

Ordinance No. 108-13

**SPECIAL ASSESSMENT
CERTIFICATION LIST**

TO THE AUDITOR OF LORAIN COUNTY:

J. CRAIG SNODGRASS

The list of special assessment charges listed on the attached schedule has been authorized by the Council of the **City of Avon, Ohio**, and is hereby certified for collection in **twenty-five (25)** annual installments to be **collected** in **calendar years 2014 through 2038**, inclusive, for tax years 2013 through 2037, inclusive.

<u>Permanent Parcel Number</u>	<u>Owner</u>	<u>Mailing Address</u>	<u>Assessment Per Year</u>	<u>Years</u>	<u>Total</u>
04-00-028-101-100	JG Avon LLC 25425 Center Ridge Road Westlake, Ohio 44145	JG Avon LLC 25425 Center Ridge Road Westlake, Ohio 44145	See Exhibit 1	25	\$5,624,993.55

Date: _____, 2013

William D. Logan, Director of Finance