

ORDINANCE NO. 8-13

**AN ORDINANCE LEVYING ASSESSMENTS FOR THE
CONSTRUCTION OF SIDEWALKS ALONG SCHWARTZ
ROAD WITHIN THE CITY OF AVON, OHIO
AND DECLARING AN EMERGENCY**

WHEREAS, Council, in Resolution R-20-12, passed April 23, 2012, determined it necessary to construct sidewalks on Schwartz Road between 32850 and 32760, a distance of approximately 480 lineal feet and along Detroit Road between 37937 and 38787, a distance of approximately 2,500 lineal feet; and

WHEREAS, the City Engineer and the Clerk of Council provided a copy of Resolution R-20-12 to each adjacent property owner with an estimate of the cost for the construction of said sidewalks per City Standards and gave them a definite amount of time within which to complete the project; and

WHEREAS, at the property owner's request or as a result of the property owner's inaction, the City caused sidewalks to be installed adjacent to three (3) properties and incurred the cost of said construction; and

WHEREAS, Council, pursuant to Ohio Revised Code Chapter 729, now deems it necessary for the public health, safety and welfare of the community, that the cost of installing these sidewalks be assessed against each of these adjacent property owners as per the actual cost of said construction.

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

Section 1 - The list of estimated assessments of the cost of constructing certain sidewalks in the City of Avon, Ohio, reported to this Council and now on file in the Office of the Clerk of Council, and aggregating Eight Thousand, Nine Hundred and Seventy-Three Dollars and Eighty-Eight cents (\$8,973.88), are adopted and confirmed.

Section 2 - The several amounts of the assessments as set forth in Exhibit A, attached hereto and incorporated herein, are hereby assessed and levied on the lots and lands bounding and abutting the sidewalk improvements.

Section 3 - It is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 4 - The Clerk of Council is directed to continue on file in her office a list of the assessments and the description of the lots and lands being assessed.

Section 5 - The total assessment against each lot and parcel of land shall be payable in cash to the Treasurer of the City of Avon within Thirty (30) days after the passage of this

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Ordinance or, at the option of the property owner assessed, in Ten (10) annual installments with interest at the rate of 2.5%, the same rate as would be charged if bonds were to be issued in anticipation of the collection thereof. All assessments and installments which have not been paid at the expiration of the Thirty (30) day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law, said collection being subject to any additional charges imposed by the County Auditor.

Section 6 - The Clerk of Council is directed to cause notice of the passage of this Ordinance to be published as provided by law.

Section 7 - The Clerk of Council is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within Twenty (20) days following the passage of this Ordinance.

Section 8 - If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 9 - That it is found and determined that all formal actions of this Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such 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 10 - That this Ordinance 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 levy assessments for sidewalks on Schwartz Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, President of Council

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

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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