

ORDINANCE NO. 73-17

AN ORDINANCE AUTHORIZING AN AGREEMENT TO ADJUST CERTAIN SPECIAL ASSESSMENTS AMONG THE CITY OF AVON, NWQ JAYCOX/I-90 LLC, AND 35350 GROUP PARTNERSHIP RELATED TO THE CONSTRUCTION AND RECONSTRUCTION OF CHESTER ROAD, AND DECLARING AN EMERGENCY

WHEREAS, this Council (the “Council”) of the City of Avon, Lorain County Ohio (the “City”) proposes to levy special assessments related to the Construction and Reconstruction of a Portion of Chester Road from a two (2) lane to a five (5) lane roadway together with all appurtenances and related improvements thereto (the “Assessment Project”) as described in Resolution R-4-16 adopted March 11, 2016 and the underlying Petition attached to the Resolution as Exhibit A (the “Petition”); and

WHEREAS, in order to finalize the apportionment of the assessments related to the Assessment Project and the final assessment related thereto in connection with Council’s consideration of Ordinance No. 70-17, NWQ JAYCOX/I-90 LLC, an Ohio limited liability company (“NWQ Jaycox”), and 35350 Group Partnership (“35350 Group”), together with the City, have agreed to an allocation of the Special Assessment of \$98,161.08 attributable to the 35350 Group Property, such that fifty-six percent (56%) or Fifty-Four Thousand Nine Hundred Seventy Dollars and Twenty Cents (\$54,970.20) will be assessed to the 35350 Group Property and forty-four percent (44%) or Forty-Three Thousand One Hundred Ninety Dollars and Eighty-Eight Cents (\$43,190.88) to the NWQ Jaycox Adjusted Parcel (the “Adjusted Special Assessment”), as such terms are defined in the Agreement hereinafter defined;

WHEREAS, Council finds that the levying of special assessments to cover the cost of these improvements to abutting property owners and the mutually agreed upon allocation of a portion of those special assessments to be in the best interest of the health, safety and welfare of the citizens of Avon; and

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

Section 1 - The Agreement To Adjust Certain Special Assessments Provided For By Resolution R-4-16 And Ordinance No. 70-17 (Construction And Reconstruction Of A Portion Of Chester Road) (the “Agreement”), in substantially the form attached hereto as Exhibit A, is hereby approved, and the Mayor and the Finance Director are hereby authorized and directed to sign and deliver the Agreement, with such changes therein as are approved by such officers and as are not materially adverse to the City.

Section 2 – That it is hereby found and determined that all formal actions of the Council of the City of Avon concerning and relating to the passage 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 action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of

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Avon, the immediate emergency being the reasons set forth herein and together with the need for the City to finance the Assessment Project with the sale of bonds in August of 2017 and to begin collecting the funds it expended for the improvement of Chester Road as set forth on the affected Assessed Properties; therefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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:

Barbara Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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