

RESOLUTION NO. R-23-19

A RESOLUTION DECLARING AN INTENT TO APPROPRIATE TEMPORARY CONSTRUCTION EASEMENTS, PERMANENT HIGHWAY AND UTILITY EASEMENTS AND A FEE SIMPLE INTEREST IN CERTAIN REAL ESTATE NECESSARY FOR THE PURPOSE OF WIDENING DETROIT ROAD BETWEEN SHAKESPEARE LANE AND NAGEL ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon has observed an increase of traffic volumes along the Detroit Road corridor between Shakespeare Lane and Nagel Road and recognizes that capacity improvements are greatly needed to maintain safe travel conditions for its residents and the travelling public; and

WHEREAS, Planning Commission, having considered the plans and specifications for improvements to this corridor prepared by CVE Engineering at their meeting on August 21, 2019, by a vote of five (5) in favor and zero (0) opposed, recommended to Council that the improvements, as submitted, proceed; and

WHEREAS, in order to proceed with these improvements, Council deems it necessary to appropriate temporary construction easements, permanent highway and utility easements and fee simple interests in real estate described below for the purpose of widening Detroit Road between Shakespeare Lane and Nagel Road to create a turning lane (the “Detroit Road Project”), as set forth below; and

WHEREAS, the proposed addition of center turn-lanes to the current two lane sections of Detroit Road will comply with Section 9 of the City of Avon Charter which limits the pavement width to no more than thirty-six (36) feet, or a division of said pavement into more than three (3) lanes; and

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

Section 1 – That this Council hereby declares the necessity and intent to appropriate temporary construction easements, permanent highway and utility easements and fee simple interests in the real estate in that part of Lorain County, City of Avon, the Permanent Parcel Numbers of which are set forth in Exhibit “A”, attached hereto and incorporated herein by this reference, required for the purpose of constructing the Detroit Road Widening Project, which roads shall be open to the public, without charge.

Section 2 – That the Mayor shall be and is hereby authorized and directed to cause notice of the adoption of this Resolution to be given immediately to the owners of, persons in possession of, or person having an interest of record in, the above-described real estate or to their designated representative or agent, and said notice shall be served by the Mayor or such person as the Mayor may designate, and such person shall make return of the service of notice in the manner provided by law. If such owner or owners cannot be found, the Mayor shall give notice

by publication once a week for three consecutive weeks in a newspaper of general circulation in the City or as provided in Section 7.16, Ohio Revised Code.

Section 3 – That the Mayor shall be and is hereby authorized and directed to take such action as is necessary and proper, directly or through agents, to enter upon and examine such properties as permitted by Ohio law, to determine the value of the above described temporary construction easements, permanent easements and fee simple interests in real estate and damages to the real estate, if any, as appraised by a professional independent appraiser, and to negotiate with the owners of said real estate to purchase said perpetual utility easements and fee simple interests in said real estate based upon said appraisal. The City shall appropriate any portion of or interest in the real estate described in the attached Exhibit “A” that it is unable to obtain through negotiation in accordance with Chapter 163, Ohio Revised Code.

Section 4 – That the actions of this Council concerning and relating to the passage of this Resolution were conducted in lawful meetings of this Council and all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5 – 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 temporary construction easements, permanent easements and fee simple interests in real estate for the purpose of widening Detroit Road between Shakespeare Lane and Nagel Road to create a turning lanes (the “Detroit Road Project”); therefore, this Resolution 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