

RESOLUTION NO. R-2-20

**A RESOLUTION DISSOLVING THE ASSESSMENT EQUALIZATION BOARD
CREATED SEPTEMBER 9, 2019 BY RESOLUTION R-25-19 TO HEAR OBJECTIONS
RELATIVE TO THE IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY THE
CONSTRUCTION OF APPROXIMATELY 2,400-FOOT OF SANITARY SEWER FROM
38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD AND (2) CENTURY
LANE BY THE CONSTRUCTION OF APPROXIMATELY 230-FOOT OF SANITARY
SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES
AND RELATED IMPROVEMENTS THERETO;
AND DECLARING AN EMERGENCY**

WHEREAS, after the filing of the estimated assessments under Ohio Revised Code (ORC) §727.12, Council, on April 8, 2019, adopted Resolution No. R-8-19 declaring the necessity of improving: (1) French Creek Road by construction of approximately 2,400-foot of sanitary sewer from 38151 French Creek Road to 37556 French Creek Road and (2) Century Lane by construction of approximately 230-foot of sanitary sewer, each together with all necessary appurtenances and related improvements thereto (the “Resolution of Necessity”); and

WHEREAS, pursuant to ORC §727.13, the affected property owners were duly notified of the passage of the Resolution of Necessity on or about April 17, 2019 and afforded an opportunity to object to their estimated assessment; and

WHEREAS, one affected property owner timely filed an objection to the amount of such property owner’s estimated assessment pursuant to ORC §727.15; and

WHEREAS, Council, pursuant to ORC §727.16, passed Resolution R-25-19 on September 9, 2019, to create an Assessment Equalization Board to hear that objection; and

WHEREAS, prior to the date set for said hearing, the owner objecting to the estimated assessment withdrew the objection and the AEB meeting was canceled; and

WHEREAS, Council, finding there to be no objections to the proposed assessment, determines it to be in the best interests of the health, safety and welfare of the residents of the City of Avon that the Board be dissolved.

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

Section 1 - That the Assessment Equalization Board created by R-25-19 to hear objections from estimated assessments for the project declared necessary in the Resolution of Necessity, is hereby dissolved. The one objection submitted pursuant to ORC §727.15 was withdrawn. Said letter withdrawing the objection is on file with the Clerk of City Council.

Section 2 - This Council finds and determines that all formal actions of this Council of the City of Avon concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this City Council and of any of its committees

Resolution No. R-2-20 (Con=t.)

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 3 - This Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of Avon, the immediate emergency being the necessity to dissolve the Assessment Equalization Board as the one and only objection to the assessment was withdrawn; therefore, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

BY: _____
Brian Fischer, President of Council

DATE SIGNED 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