ORDINANCE NO. 124-24

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CHESTER ROAD BY THE CONSTRUCTION AND RECONSTRUCTION OF APPROXIMATELY 475 LINEAL FEET OF ROADWAY, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO, IN ACCORDANCE WITH RESOLUTION NO. R-13-23, ADOPTED ON MARCH 13, 2023, AND DECLARING AN EMERGENCY

WHEREAS, the improvements described in Section 1 of this Ordinance have been completed and the final costs of the improvements have been determined;

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

Section 1 - The special assessments for the costs and expenses of improvements in the City of Avon of Chester Road by the construction and reconstruction of approximately 475 lineal feet of Chester Road, including but not limited to widening the portion of Chester Road from a two-lane road to a three-lane road, water main and drainage improvements, and street improvements, together with all necessary appurtenances and related improvements (the "Improvements"), in accordance with Resolution No. R-13-23, adopted on March 13, 2023 (the "Resolution of Necessity"), amounting in the aggregate to $398,014.00, which were filed and are on file with the Clerk, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in the Resolution of Necessity in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2 - The special assessment against each lot or parcel of land shall be payable in cash on or before 30 days after the date of passage of this Ordinance or, at the option of the owner, in 20 annual installments with interest at the rate of 5% per year, which interest rate is determined by this Council to be substantially equivalent to the fair market rate that would have been borne had securities been issued in anticipation of the collection of the special assessments. All cash payments must be made to the Treasurer of the City. All special assessments remaining unpaid at the expiration of the 30-day cash payment period shall be certified by the Clerk to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 3 - The Clerk is directed to cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City and to keep the list of special assessments on file in the office of the Clerk.

Section 4 - The Clerk must deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

Section 5 - This Council finds and determines that all formal actions of this Council 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 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 6 - This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of Avon, and for the further reason that this Ordinance must be immediately effective so that the advances made by the City in anticipation of the levy of special assessments may be repaid from the collection of those special assessments; provided it receives the affirmative vote of at least six members elected to this Council; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: December 9, 2024 DATE SIGNED: December 9, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: December 10, 2024

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Barbara J. Brooks, Clerk of Council

Posted: December 11, 2024
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 124-24, passed by the Council of said City on December 9, 2024.

IN WITNESS WHEREOF, I have on this 10th day of December 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

City of Avon, Ohio

Schedule of Special Assessments

The Property will be subject to special assessments for the public improvements in accordance with Ohio Revised Code Chapter 727 and accompanying Ordinance No. 124-24.

The schedule of Special Assessments for the Project is as follows.

(a) The portion of the Property described in Resolution R-13-23, adopted by the Council of the City of Avon, Ohio (the "Council") as March 13, 2023 (the "Resolution of Necessity"), having title ownership of record as of the date of adoption of the Resolution of Necessity, which is currently assigned permanent parcel number 0400009000183 in the records of the Lorain County Auditor, shall be assessed a total of $212,274.13 plus, for any portion of that amount not paid within 30 days of Ordinance No. 124-24, interest due and payable at the rate of 5% per year, which interest rate is determined by the Council to be substantially equivalent to the fair market rate that would have been borne had securities been issued in anticipation of the collection of the special assessments in accordance with the Resolution of Necessity and Ordinance No. 124-24, in 20 annual installments of substantially equal installments each taxable year subject to adjustment by the Lorain County Auditor under certain conditions as provided for in Ohio Revised Code Chapter 323.

(b) The portion of the Property described in the Resolution of Necessity, having title ownership of record as of the date of adoption of the Resolution of Necessity, which is currently assigned permanent parcel number 0400009000184 in the records of the Lorain County Auditor, shall be assessed a total of $185,739.87 plus, for any portion of that amount not paid within 30 days of Ordinance No. 124-24, interest due and payable at the rate of 5% per year, which interest rate is determined by the Council to be substantially equivalent to the fair market rate that would have been borne had securities been issued in anticipation of the collection of the special assessments in accordance with the Resolution of Necessity and Ordinance No. 124-24, in 20 annual installments of substantially equal installments each taxable year subject to adjustment by the Lorain County Auditor under certain conditions as provided for in Ohio Revised Code Chapter 323.

Terms not otherwise defined herein have the meanings given to them in the Resolution of Necessity and its exhibits.

Pursuant to Ohio Revised Code Chapter 323, the special assessment payment dates may be subject to adjustment by the Lorain County Auditor. In addition, pursuant to Ohio Revised Code Section 727.36, the Lorain County Auditor may charge and collect a fee in addition to the amounts listed in this Schedule.

City of Avon, Ohio

Notice of Assessing Ordinance

Notice is given that on December 9, 2024, the Council of the City of Avon, Ohio (the "City") passed Ordinance No. 124-24 (the "Assessing Ordinance") levying special assessments for the costs and expenses of improvements in the City of Avon of Chester Road by the construction and reconstruction of approximately 475 lineal feet of Chester Road, including but not limited to widening the portion of Chester Road from a two-lane road to a three-lane road, water main and drainage improvements, and street improvements, together with all necessary appurtenances and related improvements, all in accordance with Resolution No. R-13-23, adopted on March 13, 2023. The special assessment against each lot or parcel of land may be paid in cash on or before 30 days after the date of passage of the Assessing Ordinance. If not paid in cash, the special assessments will be certified to the County Fiscal Officer for collection with taxes in 20 annual installments with interest thereon at the rate of 5% per year, which the Council of the City has determined to be the same rate as would have been borne by the bonds issued in anticipation of the collection of the special assessments had such bonds been issued. The special assessments are on file at and may be inspected in the office of the Clerk of Council of the City.

By order of the Council of Avon, Ohio.

Barbara Brooks
Clerk of Council
City of Avon, Ohio