

**RESOLUTION NO. R-3-15**

**A RESOLUTION PURSUANT TO SECTION 719.04 OF THE OHIO REVISED CODE DECLARING IT NECESSARY AND DECLARING IT TO BE THE INTENTION OF THE LEGISLATIVE AUTHORITY OF THE CITY OF AVON TO APPROPRIATE A FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY NOW OWNED BY GARLAND GRIFFIN HOMES, INC., FOR THE PURPOSE OF CREATING PUBLIC PARKS AND RECREATION AREAS AND IMPLEMENTING STORMWATER RETENTION AND DETENTION SYSTEMS TO ALLEVIATE FLOODING IN AVON AND PROMOTING PUBLIC HEALTH, SAFETY AND WELFARE AND DECLARING AN EMERGENCY**

**WHEREAS**, section 719.04 of the Ohio Revised Code provides that the legislative authority of a municipal corporation shall, whenever it is deemed necessary to appropriate property, pass a resolution declaring such intent, defining the purpose of the appropriation and setting forth a pertinent description of the land and the estate or interest therein desired to be appropriated, and

**WHEREAS**, Council referred Resolution R-3-15 to Planning Commission and on January 21, 2015, and Planning Commission considered, inter alia., a 2014 report from the Avon Parks and Recreation Commission outlining the residents' desire for additional walking trails, bike trails and passive recreation areas; and

**WHEREAS**, taking into consideration the needs of the community as a whole, Planning Commission, on January 21, 2015, by a vote of five (5) in favor and zero (0) opposed, recommended to Council that it proceed with the acquisition of additional land for public parks, recreation facilities and stormwater retention/detention areas; and

**WHEREAS**, section 719.05 of the Ohio Revised Code provides that the Mayor of a municipal corporation shall, immediately upon the passage of a resolution under section 719.04 of the Revised Code, declaring an intent to appropriate property, for which but one reading is necessary, cause written notice to be given to the owner of, person in possession of, or person having an interest of record in every piece of property sought to be appropriated, or his authorized agent. Such notice shall be served by a person designated for the purpose and return made in the manner provided for the service and return of summons in civil actions. If such owner, person, or agent cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the municipal corporation, and the legislative authority may thereupon pass an ordinance by a two-thirds vote of all members elected thereto, directing such appropriation to proceed.

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

Section 1 - That this Council, as the legislative authority of the City of Avon, pursuant to section 719.04 of the Ohio Revised Code, does hereby deem it necessary to

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appropriate and declares its intent to appropriate in the name and for the use of the City of Avon the interests in certain real property now owned by Garland Griffin Homes, Inc., described in Exhibit A-1 attached hereto and made a part hereof for the purpose of creating public parks and recreation areas and implementing storm water retention and detention systems to alleviate flooding in Avon and promoting public health, safety and welfare in accordance with plans and specifications on file with the city engineer.

Section 2 - That the Mayor shall cause written notice of the passage of this resolution to be given to the owners and persons in possession or having an interest of record in the property sought to be appropriated, or their authorized agent. The notice shall be served and returned according to law.

Section 3 - 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 aforementioned interest in land for creating public parks and recreation areas and implementing storm water retention and detention systems to alleviate flooding in Avon and promoting public health, safety and welfare. 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:

\_\_\_\_\_  
Ellen R. Young  
Clerk of Council

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Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

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

Exhibit A-1

Situated in the City of Avon, County of Lorain and State of Ohio and known as being part of Original Avon Township Section No. 23, bounded and described as follows:

Beginning in the center line of Riegelsberger Road at the Southeast corner of land conveyed to Michael R. and Marian Gorski by Deed dated January 23, 1971 and recorded in Deed Volume 1028, Page 711 of the Lorain County Records; thence Northerly along the Westerly line of said Michael R. and Marian Gorski a distance of 2003.70 feet to the center line of a creek; thence Northwesterly along the center line of said creek a distance of 587.39 feet to an angle point; thence in a more Northerly direction continuing along the center line of said creek a distance of 426.71 feet to a point in the Southerly line of said East Avon Heights Development and recorded in plat Volume 16, Page 39 of Lorain County Records; thence Easterly along the Southerly line of said East Avon Heights Subdivision a distance of 1659.24 feet to a point in the Northwest corner of land conveyed to J. Robert and Esther S. Brandslotter by Deed dated November 23, 1965 and recorded in Deed Volume 918, Page 139 of the Lorain County Records; thence Southerly in the Westerly line of said Brandslotter, the Westerly line of land conveyed to Alfred C. and Theda M. Bonbow by Deed dated July 25, 1966 and recorded in Deed Volume 930, Page 351 of the Lorain County Records and the center line of Jaycox Road a distance of 2625.48 feet to the center line of Riegelsberger Road; thence Westerly in the center line of said Riegelsberger Road a distance of about 836.44 feet to the place of beginning, containing within said bounds about 58.19 acres, be the same more or less, but subject to all legal highways.

Excepting therefrom, a 0.41 Acre parcel known as permanent parcel number 04-00-023-107-016 as conveyed to William A. Jensen in Deed Volume 1202, Page 560. And excepting a 0.41 Acre parcel known as permanent parcel number 04-00-023-107-017 as conveyed to William A. Jensen in Deed Volume 1202, Page 564. And excepting a 0.52 Acre parcel known as permanent parcel number 04-00-023-107-024 as conveyed to Bruce A. Walsh & Sandra K. Walsh in deed Volume OR 19, Page 386.

Permanent Parcel No. 04-00-023-107-025