

ORDINANCE NO. 43-19

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT
35616 MILLS ROAD, PARCEL NO. 04-00-013-000-125 FROM
MICHAEL H. and LISA L. VO, (fka MICHAEL H. and LISA L. LANGENDORFER)
AND DECLARING AN EMERGENCY**

WHEREAS, in 2017, the owners of the residence at 35616 Mills Road brought it to the attention of the City that their home was suffering recurring flooding due to its proximity to the adjacent French Creek; and

WHEREAS, the City Engineer determined that the structure in questions was located in a FEMA designated 100-Year Flood Zone and FEMA designated Floodway associated with the creek, and;

WHEREAS, the City of Avon was made aware of federal assistance to mitigate the effects of this flooding of the Vo's property through Federal Emergency Management Agency's (FEMA's) Hazardous Mitigation Grant Program (HMGP), and;

WHEREAS, Council passed Resolution R-26-17 on October 23, 2017 in support of seeking Federal Emergency Management Agency (FEMA) hazardous mitigation assistance funding to acquire, demolish and restore the referenced property; and

WHEREAS, Council then passed Ord. No. 52-18 on June 25, 2018 to designate the City as agent for the administration of the City's "Mitigation Assistance Acquisition-Demolition Project" funded under the FEMA Hazardous Mitigation Grant Program (HMGP) and to proceed with the grant application; and

WHEREAS, on February 21, 2019, the City was notified by the Ohio Department of Public Safety, Emergency Management Agency, that the appraised value for the property at 35616 Mills Road was accepted and to proceed with making an offer to the existing owners; and

WHEREAS, the owners have accepted the offer and hereby wish to enter into a purchase agreement with the City; and

WHEREAS, the Mayor seeks authorization from Council to enter into a Purchase Agreement with Michael H. and Lisa L. Vo, (fka Michael H. and Lisa L. Langendorfer,) for the purchase of their 0.79 acre parcel of land located at 35616 Mills Road; and

WHEREAS, Council has had an opportunity to meet with the Mayor and discuss the purchase of the subject property, including the terms of the transaction as set forth in the proposed Purchase Agreement; and

WHEREAS, Council deems it to be in the best interests of the health, safety and welfare of the community that the City acquire the land being offered for sale at 35616 Mills Road pursuant to the City of Avon Hazard Mitigation Grant Program Acquisition Project.

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

Section 1 - That the Mayor is hereby authorized to enter into a Purchase Agreement with Michael H. and Lisa L. Vo, (fka Michael H. and Lisa L. Langendorfer,) to acquire their parcel of land consisting of approximately 0.79 acres, located at 35616 Mills Road in the City of Avon, Permanent Parcel No. 04-00-013-000-125 under the City of Avon Hazard Mitigation Grant Program Acquisition Project (funded under DR-4360). Said Agreement is attached hereto as Exhibit A and incorporated herein by reference.

Section 2 - Council hereby authorizes the payment of funds from the General Fund No. 101 in an amount equal to that set forth in the Purchase Agreement. Payment is to be made pursuant to directives of the Finance Director. Further, the Finance Director is authorized to increase the appropriation by a reasonable amount to cover any engineering, legal and closing fees associated with this purchase.

Section 3 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, or otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance 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 for the City to acquire Vo property and utilize the funds being provided through the FEMA Hazardous Mitigation Grant Program; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig 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, City of Avon