

ORDINANCE NO. 9-21

**AN ORDINANCE TO ACCEPT A LAND DONATION
FROM NWQ JAYCOX/I-90, LLC
AND DECLARING AN EMERGENCY**

WHEREAS, NWQ Jaycox/I-90, LLC, (also hereinafter referred to as “Jacobs”) is the developer of a multi-phase commercial subdivision along the north side of Chester Road between 35685 Chester Road (Cabelas) and Jaycox Road; and

WHEREAS, a portion of that development, viz., Permanent Parcel No. 04-00-016-104-059, also known as Block A, consists of approximately 2.5644 acres of land stretching north and south between I-90 and Chester Road, and contains Haslett Ditch; and

WHEREAS, Jacobs desires to convey this land to the City and the City has expressed a willingness to accept said donation subject to the Declaration of Covenants, Conditions, Easements and Restrictions prepared by Jacobs and recorded with the Lorain County Recorder’s Office, File No. 2020-0787582; and

WHEREAS, the City has agreed to accept this land from Jacobs in recognition of Jacobs agreeing to accept a portion of the uncollected assessments levied against neighboring properties along Chester Road for recently constructed public improvements; and

WHEREAS, Council, after determining there is no financial commitment to the City by accepting this parcel of land, agrees that accepting said land and authorizing the Mayor to execute any and all documents to bring about this transfer will be in the best interests of the health, safety and welfare of the community.

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

Section 1 - That the City of Avon will accept the donation of 2.5644 acres of land from NWQ Jaycox/I-90 LLC subject to the Declaration of Covenants, Conditions, Easements and Restrictions currently on file with the Lorain County Recorder in File No. 2020-0787582. A copy of the Deed to be recorded and the Declarations is attached hereto as Exhibit A and incorporated herein by this reference.

Section 2 - 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, in compliance with all legal requirements.

Section 3 - 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 to accept a 2.5644 acre parcel of land from NWQ Jaycox/I-90 LLC; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 9-21 (Con't)

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Esq.
Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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