

ORDINANCE NO. 85-21

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT
IN THE CITY OF AVON OF ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE,
AND DETROIT ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY
6,100-FOOT SANITARY SEWER SYSTEM ALONG ELIZABETH AVENUE,
PUTH DRIVE, JOSEPH STREET AND DETROIT ROAD BETWEEN
ADDRESSES 34008 AND 34901, TOGETHER WITH ALL
NECESSARY APPURTENANCES RELATED THERETO,
IN ACCORDANCE WITH RESOLUTION NO. R-22-19,
ADOPTED ON SEPTEMBER 9, 2019
AND DECLARING AN EMERGENCY.**

WHEREAS, the improvement described in Section 1 of this Ordinance has been completed and the final cost of the improvement has been determined; and

WHEREAS, Council finds it to be in the best interests of the health, safety and welfare of the Community that the assessment be levied upon the parcels of land adjacent to the improvements along Elizabeth Avenue, Joseph Street, Puth Drive, and a portion of Detroit Road.

**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 cost and expense of improvement in the City of Avon of Elizabeth Avenue, Joseph Street, Puth Drive, and a portion of Detroit Road from address 34008 to address 34901 by the construction of an approximately 6,100-foot sanitary sewer system, together with all necessary appurtenances and related improvements (the "Improvement"), in accordance with Resolution No. R-22-19, adopted on September 9, 2019 (the "Resolution of Necessity"), amounting in the aggregate to \$1,833,788.51, 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 and attached hereto as Exhibit A, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2 - As a result of the City's determination in the Resolution of Necessity to pay any excess costs above \$12,000 per single family lot or \$12,000 per each potential subdivided lot for lots of sufficient dimensions to be subdivided into multiple buildable lots, the actual cost of the Improvement per single family lot or potential subdivided lot to be paid by special assessments will remain at \$12,000.

Section 3 - This Council finds and determines that the special assessments now on file with the Clerk pursuant to this ordinance are in the same proportion to the estimated special assessments as the actual cost of the Improvement is to the estimated cost of the Improvement as originally filed.

Section 4 - This Council determines to extend the 30-day period described in the Resolution of Necessity in which special assessments may be made in cash to 60 days. Accordingly, the special assessment against each lot or parcel of land shall be payable in cash on or before 60 days after the date of passage of this Ordinance or, at the option of the owner, in 20 annual installments with interest at the same rate as shall be borne by the bonds to be 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 60-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 5 - 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. (See [Exhibit A](#).)

Section 6 - The Clerk must deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

Section 7 - 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 8 - This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance must be immediately effective so that the levy of special assessments may be effective at once to begin the cash payment period and allow the City to promptly issue bonds and take advantage of favorable market conditions; provided it receives the affirmative vote of at least six members elected to this Council; otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Books, Clerk of Council

Posted: _____
In Five Places, as provided by Council

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