

ORDINANCE NO. 63-22

**AN ORDINANCE LEVYING ASSESSMENTS FOR THE CONSTRUCTION OF
SIDEWALKS ALONG SCHWARTZ ROAD AND ADJACENT TO
CERTAIN PROPERTIES WITHIN THE CITY OF AVON, OHIO
AND DECLARING AN EMERGENCY**

WHEREAS, Council, in Resolution R-14-19, passed May 20, 2019, determined it necessary to construct sidewalks on the north side of Schwartz Road between Potterstone Way and Stone Wheel Run, a distance of approximately 1,002 lineal feet; and

WHEREAS, the City Engineer provided each adjacent property owner with an estimate of the cost for the construction of said sidewalks per City Standards and gave them a definite amount of time (until August 15, 2019) within which to complete the project; and

WHEREAS, at the property owner's request or as a result of the property owner's inaction, the City caused sidewalks to be installed adjacent to the property at 32360 Schwartz Road (Ronald A. and Arlene H Paull, Trustees) and the property at 32234 Schwartz Road (Douglas A. and Annette T. Haldi); and

WHEREAS, Council now deems it necessary for the public health, safety and welfare that the cost of installing these sidewalks be assessed against each of these adjacent property owners as per the actual cost of said construction.

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

Section 1 – That the estimated assessments of the cost of constructing certain sidewalks in the City of Avon, Ohio, specifically at 32360 and 32234 Schwartz Road, reported to this Council and now on file in the Office of the Clerk of Council, and aggregating Fourteen Thousand, Eight Hundred and Eight Dollars and 00/100 cents (\$14,808.00), are adopted and confirmed.

Section 2 - The several amounts of the assessments as set forth in [Exhibit A](#), attached hereto and incorporated herein, are hereby assessed and levied on the lots and lands bounding and abutting the sidewalk improvements at 32360 Schwartz Road (Ronald A. and Arlene H Paull, Trustees) and the property at 32234 Schwartz Road (Douglas A. and Annette T. Haldi).

Section 3 - It is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 4 - The Clerk of Council is directed to continue on file in her office a list of these assessments and the description of the lots and lands being assessed.

Section 5 - The total assessment against each lot and parcel of land shall be payable in cash to the Treasurer of the City of Avon within Sixty (60) days after the passage of this

Ordinance or, at the option of the property owner assessed, in Ten (10) annual installments with interest at the rate of 2.5%, the same rate as would be charged if bonds were to be issued in anticipation of the collection thereof. All assessments and installments which have not been paid at the expiration of the Sixty (60) day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law, said collection being subject to any additional charges imposed by the County Auditor.

Section 6 - The Clerk of Council is directed to cause notice of the passage of this Ordinance to be published as provided by law.

Section 7 - The Clerk of Council is directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within Twenty (20) days following the passage of this Ordinance.

Section 8 - If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 9 - That it is found and determined that all formal actions of this Council of the City of Avon concerning and relating to the adoption 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 such 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 10 - 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 levy assessments for sidewalks at 32360 and 32234 Schwartz Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, President of Council

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

Ordinance No. 63-22 (Con=t.)

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