

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH OHIO DEPARTMENT OF TRANSPORTATION FOR THE DONATION OF TEMPORARY EASEMENT OF PARCELS 4A-T1 AND 4A-T2, EASEMENT OF PARCELS 4A-SHV AND 4A- UV AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio desires to acquire a certain parcel or parcels of land for highway purposes on and over certain lands, owned by the City of Avon Lake, and more particularly described as Parcels LOR 83-21.40: 4A-SHV, 4A-UV, 4A-T1, 4A-T2. (Exhibit A).

WHEREAS, the Ohio Department of Transportation has requested a temporary easement of Parcel 4A-T1 be granted on City-owned property west of the Heider Ditch on SR 83 Avon Belden Road for the purpose of walk reconstruction and grading; and

WHEREAS, the Ohio Department of Transportation has requested a temporary easement of Parcel 4A-T2 be granted on City-owned property west of the Heider Ditch on SR 83 Avon Belden Road for the purpose of grading; and

WHEREAS, the Ohio Department of Transportation has requested that a perpetual highway easement of Parcel 4A-SHV be granted on City-owned property west of the Heider Ditch on SR 83 Avon Belden Road for highway purposes; and

WHEREAS, the Ohio Department of Transportation has requested that a perpetual utility easement of Parcel 4A-UV be granted on City-owned property west of the Heider Ditch on SR 83 Avon Belden Road for utility purposes; and

WHEREAS, the easements will provide the needed area for the reconstruction of the LOR 83-21.40 bridge carrying SR 83 Avon Belden Road over the Heider Ditch; and

WHEREAS, that the Ohio Department of Transportation submitted a Good Faith Offer and Value Analysis Appraisal Report for the acquisition of these easements; and

WHEREAS, the City has reviewed said offer and has determined that the easements will be donated to the Ohio Department of Transportation in lieu of compensation.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OHIO:

Section No. 1: That the Mayor is hereby authorized to execute the Agreement to donate the City's interest in temporary easement Parcel 4A-T1 and 4A-T2 and easement 4A-SHV and 4A-UV to the Ohio Department of Transportation

Section No. 2: That the Mayor is hereby authorized to execute the necessary conveyance instrument to effectuate the transfer of said property to the Ohio Department of Transportation.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which 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 No. 4: That this Ordinance is hereby declared to be an emergency measure, necessary for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: 4/12/2021

/s/Martin E. O'Donnell

President of Council

POSTED: 4/16/2021

APPROVED: 4/13/2021

ATTEST: /s/Valerie E. Rosmarin

Clerk of Council

/s/ Gregory J. Zilka

Mayor