

ORDINANCE NO. 36-24

**AN ORDINANCE AUTHORIZING AN EXTENSION OF TIME
WITHIN WHICH TO COMPLETE CONSTRUCTION OF PUBLIC
IMPROVEMENTS IN THE NAGEL FARMS SUBDIVISION
AND DECLARING AN EMERGENCY**

WHEREAS, Council authorized the City to enter into a Subdivider's Agreement for the installation of public improvements in the Nagel Farms Subdivision with Liberty Development Company on May 9, 2022 pursuant to Ordinance No. 61-22; and

WHEREAS, due to unforeseen events and through no fault of their own, the Subdivider will not be able to install said public improvements as per the twenty-four (24) month deadline of May 9, 2024, and hereby requests an extension of one (1) year to May 9, 2025, within which to complete said construction; and

WHEREAS, Council finds that it is in the best interest of the health, safety, and welfare of the community to extend the time for installation of public improvements to May 9, 2025.

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

Section 1 - That Council hereby agrees to extend the time within which to complete installation of public improvements by Liberty Development Company, for Nagel Farms Subdivision to May 9, 2025.

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted 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 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to approve an extension of time within which to complete construction of public improvements in the Nagel Farms Subdivision; 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, Council President

Ordinance No. 36-24 (Con't)

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: _____
Electronically and at City Hall as
Provided by Council

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