

ORDINANCE NO. 83-24

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH
ODG AVON I, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS,
TO WIT: A ONE THOUSAND FOOT EXTENSION OF AVON COMMERCE
PARKWAY FROM ITS CURRENT EASTERN TERMINUS
AND DECLARING AN EMERGENCY**

WHEREAS, ODG Avon I, LLC (hereinafter referred to as "ODG") is the owner of a parcel of land located at the current eastern terminus of Avon Commerce Parkway, east of Moore Road in the City of Avon; and

WHEREAS, ODG desires to extend Avon Commerce Parkway approximately 1,000 feet to the east across all of its property; and

WHEREAS, in order to complete the extension of Avon Commerce Parkway, ODG must construct Public Improvements, to wit: public water main, sanitary sewer, stormwater drainage, street lighting, pavement site preparation and all appurtenances thereto to serve their property; and

WHEREAS, on November 15, 2023, ODG presented plans and specifications for the proposed Public Improvements to the Planning Commission and by a vote of five (5) in favor and zero (0) opposed, Planning Commission made a conditional recommendation to Council to approve same; and

WHEREAS, on August 23, 2024, the City Engineer completed his review thereby making the conditional approval final and Council has had the opportunity to review the Developer's Agreement with ODG and has provided the Developer the opportunity to discuss the proposed Developer's Agreement and plans for the installation of said Public Improvements; and

WHEREAS, after discussion, review and further consideration, Council has deemed it acceptable, appropriate and in the best interests of the health, safety, and welfare of the citizens of Avon to enter into a written Developer's Agreement to provide for the construction of public improvements as set forth herein.

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

Section 1 - That the City of Avon hereby enters into a Developer's Agreement with ODG in substantially the form as set forth in attached [Exhibit A](#) which is incorporated herein by this reference, for the construction of public water main, sanitary sewer, pavement site prep, stormwater drainage, sidewalk and all appurtenances thereto to serve ODG located on Avon Commerce Parkway pursuant to plans and specifications approved by Planning Commission on November 15, 2023 with final approval by the City Engineer on August 23, 2024.

Section 2 - The Mayor and President of Council are hereby authorized to sign said Developer's Agreement on behalf of the City.

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Section 3 - 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 4 - 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 authorize the City to enter into a Developer's Agreement with ODG for the construction of Public Improvements on Avon Commerce Parkway before the end of the 2024 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

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
City of Avon, Ohio

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

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