

ORDINANCE NO. 62-25

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT
WITH LDC MIDDLETON II, LLC FOR THE CONSTRUCTION
OF PUBLIC IMPROVEMENTS AT THE VILLAS OF NAGEL FARMS
LOCATED NORTH OF MIDDLETON ROAD, SOUTH OF
AVON ROAD AND EAST OF NAGEL ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, LDC Middleton II, LLC (hereinafter referred to as "Liberty") is the owner of a parcel of land consisting of approximately 13.2836-acres located north of Middleton Road, south of Avon Road and east of Nagel Road in the City of Avon upon which they intend to construct the Villas of Nagel Farms residential development; and

WHEREAS, in order to complete the Villas of Nagel Farms, Liberty must construct Public Improvements, to wit: public waterline, sanitary sewer, stormwater drainage, sidewalk on Avon and Middleton Roads, traffic markings/signage and all appurtenances thereto, to serve their property; and

WHEREAS, on June 18, 2025, Liberty 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 recommendation to Council (contingent upon final engineering approval) to authorize same; and

WHEREAS, the City Engineer finalized his approval and City Council had the opportunity to review the Developer's Agreement with Liberty and 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 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 LDC Middleton II, LLC (Liberty) in substantially the form as set forth in attached [Exhibit A](#) which is incorporated herein by this reference, for the construction of public waterline, sanitary sewer, stormwater drainage, sidewalks on Avon and Middleton Roads, traffic markings/signage and all appurtenances thereto to serve Villas of Nagel Farms located on the northside of Middleton Road, south of Avon Road and just east of Nagel Road pursuant to plans and specifications approved by Planning Commission on June 18, 2025 (contingent) with final approval by the City Engineer subsequent thereto.

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 Liberty for the construction of Public Improvements in Villas of Nagel Farms before the end of the 2025 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