

ORDINANCE NO. 52-15

**AN ORDINANCE AUTHORIZING THE RE-DESIGNATION OF
ARLINGTON SUBDIVISION NO. 11 TO ARLINGTON SUBDIVISION NO. 10 AND
ARLINGTON SUBDIVISION NO. 10 TO ARLINGTON SUBDIVISION NO. 11
AND DECLARING AN EMERGENCY**

WHEREAS, Council, in Ordinance No. 118-14, passed October 14, 2014 authorized the final plat and subdividers's agreement for Arlington No. 10; and

WHEREAS, Council, in Ordinance No. 119-14, passed November 10, 2014, authorized the final plat and subdivider's agreement for Arlington No. 11; and

WHEREAS, due to unforeseen circumstances and delays, Subdivider has not been able to complete construction of improvements in Subdivision No. 10 but has completed construction of same in Subdivision No. 11; and

WHEREAS, the Lorain County Engineer will not permit recording of a subdivision plat out of its proper sequence;

WHEREAS, to facilitate the acceptance of improvements and the recording of said final plat for Subdivision No. 11 with the Lorain County Recorder's office, it is necessary to amend Ordinance Nos. 118-14 and 119-14 to re-designate Arlington Subdivision No. 10 as No. 11 and Arlington No. 11 as No. 10; and

WHEREAS, Council, having previously reviewed the subdivider's agreement and final plat for what will now be known as Arlington Subdivision No. 10, finds that the amendment to rename subdivision No. 11 to be in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That Ordinance No. 118-14, passed October 14, 2014 authorizing the Subdivider's Agreement and Performance Bond for Arlington Subdivision No. 10 is hereby amended to read Arlington Subdivision No. 11. All references to Subdivision No. 10 or Phase 10 in the original plans, specifications, Subdivider's Agreement, Performance Bond, legislation or the like shall henceforth be referred to as Subdivision as No. 11.

Section 2 - That Ordinance No. 119-14, passed November 10, 2014, authorizing the Subdivider's Agreement and Performance Bond for Arlington Subdivision No. 11 is hereby amended to read Arlington Subdivision No. 10. All references to Subdivision No. 11 or Phase 11 in the original plans, specifications, Subdivider's Agreement, Performance Bond, legislation or the like shall henceforth be referred to as Subdivision as No. 10 or Phase 10.

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Section 3 - That the Preliminary Plat for the Arlington Subdivision shall re-designate the former Arlington Subdivision Phase No. 10 as Subdivision or Phase No. 11 and re-designate the former Arlington Subdivision Phase No. 11 as Subdivision or Phase No. 10.

Section 4 - That all other terms and conditions set forth in the original Subdivider's Agreements and Performance Bonds as adopted in Ordinance Nos. 118-14 and 119-14, shall remain in full force and effect.

Section 5 - 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 6 - 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 re-designate Arlington Subdivision No. 11 as Arlington Subdivision No. 10 and Arlington Subdivision No. 10 as Arlington Subdivision No. 11 to facilitate recording with the County Recorder's Office; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

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POSTED: _____

In Five Places as
Provided by Council

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