

ORDINANCE NO. 116-14

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH
AVON 25 REAL ESTATE LLC FOR THE INSTALLATION/CONSTRUCTION
OF PUBLIC UTILITIES ON APPROXIMATELY .4916 ACRES OF LAND ADJACENT
TO A PRIVATE ROAD KNOWN AS ROSE PARKWAY, SITUATED
NORTH OF HEALTH CAMPUS BLVD.
AND DECLARING AN EMERGENCY**

WHEREAS, Avon 25 Real Estate LLC (hereinafter referred to as "Avon 25") is the owner of a parcel of land north of Health Campus Boulevard in the City of Avon upon which they seek to install/construct a private road with dedicated public water and sanitary sewer mains to serve adjacent properties; and

WHEREAS, on September 17, 2014, Avon 25 presented plans and specifications for said public road to the Planning Commission on Avon 25 and Planning Commission, by a vote of five (5) in favor and zero (0) opposed, made a recommendation to Council approving the installation/construction of Rose Parkway, as a private road, to be located on a .4916 acre parcel of land in the City, east of Nagel Road, North of Health Campus Boulevard and between Health Campus Boulevard and Krebs Road, including public water and sanitary sewer mains to serve adjacent properties, and sidewalks; and

WHEREAS, Council has had the opportunity to review the Developer's Agreement with Avon 25 and has provided the Developer the opportunity to discuss the proposed Developer's Agreement and plans for the extension of the storm sewer; 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 Agreement to provide for the installation/construction of Rose Parkway east of Nagel Road, North of Health Campus Boulevard and between Health Campus Boulevard and Krebs Road, including public water and sanitary sewer mains to serve adjacent properties, and sidewalks, (the improvement) as set forth in the plans and specifications approved by Planning Commission.

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

Section 1 - That the City of Avon is hereby authorized to enter into a Developer's Agreement with Avon 25 for the installation/construction of Rose Parkway east of Nagel Road, North of Health Campus Boulevard and between Health Campus Boulevard and Krebs Road, including public water and sanitary sewer mains to serve adjacent properties, and sidewalks, pursuant to plans and specifications approved by Planning Commission on September 17, 2014. A copy of said Developer's Agreement is attached hereto, marked as "Exhibit A" and incorporated herein by reference.

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

Ordinance No. 116-14 (Con't)

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 Avon 25 for the installation/construction Rose Parkway, as a private road and all appurtenances thereto, to be located on a .4916 acre parcel of land in the City, east of Nagel Road, North of Health Campus Boulevard and between Health Campus Boulevard and Krebs Road, 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
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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