

**ORDINANCE NO. 117-14**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE FINAL PLAT AND  
SUBDIVIDER'S AGREEMENT FOR PALMER VILLAGE NO. 5  
AND DECLARING AN EMERGENCY**

**WHEREAS**, Margam Investment Palmer Village East & West, LLC (hereinafter referred to as "Margan"), was the owner/subdivider of Palmer Village No. 5; and

**WHEREAS**, Council passed Ordinance No. 120-11 on January 23, 2012 to authorize the Final Plat and Subdivider's Agreement for Palmer Village No. 5; and

**WHEREAS**, the Subdivider, unable to begin construction of improvements within the allotted one (1) year period, requested, and was granted, an extension of time from City Council pursuant to Ordinance No. 4-13, passed January 28, 2013 to January 28, 2014; and

**WHEREAS**, the Subdivider allowed that one year extension to expire and as a result was required to return to Planning Commission to present new plans and specifications for Palmer Village No. 5; and

**WHEREAS**, following a public hearing on September 17, 2014, Planning Commission, by a vote of five (5) to zero (0), approved a new final plat, with amendments, and recommended to Council approval of the amended final plat of Palmer Village No. 5; and

**WHEREAS**, Council, having reviewed the amended final plat for Palmer Village No. 5 and after discussion, review and further consideration, has deemed it in the best interests of the health, safety and welfare of the citizens of Avon to accept said amendments.

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

Section 1 - That the final plat and Subdivider's Agreement for Palmer Village No. 5 is hereby amended as set forth in the attached Exhibit A, which is incorporated herein by this reference.

Section 2 - All terms and conditions set forth in the original Subdivider's Agreement for Palmer Village No. 5 and which are not inconsistent herewith, shall remain in full force and effect.

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 amend the final plat and Subdivider's Agreement for Palmer Village No. 5 to allow for commencement of construction of improvements during the current construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig 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

POSTED: \_\_\_\_\_

In Five Places as  
Provided by Council

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