

ORDINANCE NO. 137-14

**AN ORDINANCE AUTHORIZING THE REDESIGNATION OF
REDTAIL SUBDIVISION NO. 14 TO RED TAIL SUBDIVISION NO. 13
AND DECLARING AN EMERGENCY**

WHEREAS, Council, in Ordinance No. 59-13, passed July 10, 2013 authorized the final plat and subdividers's agreement for Red Tail No. 14; and

WHEREAS, Council, in Ordinance No. 115-14, passed October 14, 2014, accepted the improvements in Red Tail No. 14; and

WHEREAS, due to unforeseen circumstances and delays, Subdivider has not been able to complete construction of improvements in Subdivision No. 13; and

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

WHEREAS, to facilitate the recording of said final plat with the Lorain County Recorder's office, it is necessary to amend Ordinance Nos. 59-13 and 115-14 to reference Red Tail No. 13; and

WHEREAS, Council, having previously reviewed the subdivider's agreement and final plat for what will now be known as Red Tail Subdvision No. 13, finds that the amendment to rename subdivision No. 14 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. 59-13, passed July 10, 2013 authorizing the Subdivider's Agreement and Performance Bond for Red Tail No. 14 is hereby amended to read Red Tail No. 13. In addition, Ordinance No. 115-14, passed October 14, 2014, to accept the improvements in Red Tail No. 14 is hereby amended to read Red Tail No. 13. All documents associated with these ordinances shall be redesignated as Red Tail Subdivision No. 13, and all references to Subdivision No. 14 or Phase 14 in the original plans, specifications, Subdivider's Agreement, Performance Bond, legislation or the like shall henceforth refer to Subdivision or Phase 13.

Section 2 - That all other terms and conditions set forth in the original Subdivider's Agreement and Performance Bond as adopted in Ordinance No. 59-13 as well as all terms and conditions set forth in Ordinance 115-14 accepting the improvements therein 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

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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 redesignate Red Tail Subdivision No. 14 as Red Tail Subdivision No. 13; 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