

ORDINANCE NO. 138-14

**AN ORDINANCE AMENDING THE DEVELOPER'S AGREEMENT WITH
AVON 83, LLC FOR THE INSTALLATION OF A SANITARY SEWER
AND WATERLINE IN THE VICINITY OF 35682 AND 35514 DETROIT ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Council passed Ordinance No. 74-13 on June 3, 2013 authorizing a Developer's Agreement for "The MarketPlace at Avon" located between 35682 and 35514 Detroit Road in the City of Avon; and

WHEREAS, during the course of the project, the Developer sought to amend the general development plan to include Building No. 5 and an extension of an 8" watermain to be dedicated to the City along with the other water and sanitary sewer lines being constructed pursuant to the Developer's Agreement approved by Council in Ord. No. 74-13; and

WHEREAS, the Developer appeared before Planning Commission on May 21, 2014 and Planning Commission reviewed the plans and specifications for, among other things, the installation of 295 lineal feet of 8" watermain and by a vote of five (5) in favor and zero (0) opposed, voted to recommend to Council the extension and subsequent dedication of said watermain as part of the amended general development plan for modifications to Building No. 5; and

WHEREAS, Council now deems it in the best interest of the City and the health, safety and welfare of the citizens of Avon that an amendment to Ordinance No. 74-13 be adopted to include the addition of the 8" watermain as part of the dedicated improvements at The Market Place at Avon located between 35682 and 35514 Detroit Road in the City of Avon.

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

Section 1 - That Exhibit A to Ordinance No. 74-13 be and the same is hereby amended to reflect the amendments set forth in the attached Exhibit A which is incorporated herein by reference.

Section 2 - 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 3 - 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 Developer's Agreement for

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Avon 83, LLC to include additional watermain at The MarketPlace at Avon”; 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