

ORDINANCE NO. 12-13

AN ORDINANCE TO ACCEPT ACCESS EASEMENTS, SANITARY SEWER EASEMENTS AND WATERLINE EASEMENTS ON PROPERTY LOCATED BETWEEN 35682 AND 35514 DETROIT ROAD (The MarketPlace at Avon) AND DECLARING AN EMERGENCY

WHEREAS, the owner, Avon 83, LLC, (a.k.a “the Developer”) is developing property it owns between 35682 and 35514 Detroit Road, also known as “The MarketPlace at Avon” and has constructed a sanitary sewer and waterline within said site; and

WHEREAS, additional sanitary sewer and waterline will be required to complete said development; and

WHEREAS, these improvements, i.e., the sanitary sewer and waterline, per Ohio EPA regulations, must now be dedicated to the City as public improvements; and

WHEREAS, to facilitate this dedication, Avon 83, LLC, Heritage Village of Avon IV, LLC, JPE 1, LLC & LTD of Ohio, LLC, 35676 Detroit, LLC, Third Federal Savings and Loan Association of Cleveland, and P&M Avon, LLC have granted to the City sanitary sewer easements, waterline easements and access easements over, under and across their property (see, attached Exhibit A); and

WHEREAS, Planning Commission considered the grant of these easements at their regularly scheduled meeting on January 16, 2013 and by a vote of Five (5) in favor and (0) opposed, approved same; and

WHEREAS, Council, after considering the recommendation of Planning Commission and after discussion, review and further consideration, deems it acceptable, appropriate and in the best interests of the health, safety and welfare of the citizens of Avon to accept dedication of these easements to facilitate future repair and maintenance of said improvements.

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

Section 1 - That the City of Avon, Lorain County, Ohio, hereby accepts dedication of sanitary sewer easements, waterline easements and access easements being conveyed by Avon 83, LLC, Heritage Village of Avon IV, LLC, JPE 1, LLC & LTD of Ohio, LLC, 35676 Detroit, LLC, Third Federal Savings and Loan Association of Cleveland, and P&M Avon, the Grantors, to the City (Grantee) over, under and across property they own between 35682 and 35514 Detroit Road, also known as “The MarketPlace at Avon”, copies of which are on file with the Mayor’s office and incorporated herein by this reference.

Section 2 – That Council hereby authorizes the Mayor to execute and/or ratifies any execution of the aforementioned easements to facilitate the City’s (Grantee’s) acceptance of same.

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

Ordinance No. 12-13 (Con't)

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 accept sanitary sewer, waterline and access easements at The MarketPlace at Avon conveyed to the City by Avon 83, LLC; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, 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