

ORDINANCE NO. 130-13

**AN ORDINANCE TO AUTHORIZE THE FINAL PLAT
AND A SUBDIVIDER'S AGREEMENT
FOR ORCHARD TRAIL SUBDIVISION NO. 5
AND DECLARING AN EMERGENCY**

WHEREAS, on October 16, 2013, the Planning Commission voted to approve the Final Plat for Orchard Trail Subdivision No. 5 by a vote of Five (5) to Zero (0); and

WHEREAS, Council has had the opportunity to review the Final Plat and Subdivider's Agreement for Orchard Trail Subdivision No. 5, and has provided the Subdivider the opportunity to discuss the proposed Subdivider's Agreement and plans for Orchard Trail Subdivision No. 5; and

WHEREAS, after discussion, review and further consideration, Council has deemed the Final Plat acceptable and appropriate and agrees to enter into a written Subdivider's Agreement to provide for construction of all improvements in Orchard Trail Subdivision No. 5.

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

Section 1 - The City of Avon hereby accepts the Final Plat for Orchard Trail Subdivision No. 5 and enters into a Subdivider's Agreement for the completion of said improvements in said Subdivision, a copy of which is attached hereto, and marked "Exhibit A", and incorporated herein by reference.

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

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 final plat and subdivider's agreement for Orchard Trail Subdivision No. 5 to enable them to begin construction of the improvements before the end of 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: _____

Ordinance No. 130-13 (Con't.)

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, 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