

ORDINANCE NO. 137-13

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT
WITH JARONE DEVELOPMENT LLC FOR THE INSTALLATION
OF A SANITARY SEWER ALONG NAGEL AND AVON ROADS
AND DECLARING AN EMERGENCY**

WHEREAS, Jarone Development, LLC is seeking to develop property it owns on Nagel and Avon roads in the City of Avon; and

WHEREAS, said development will require the installation of a sanitary sewer and all appurtenances thereto; and

WHEREAS, on December 11, 2013, the Planning Commission voted to approve the installation of said improvements by a vote of Five (5) to Zero (0); and

WHEREAS, Council has had the opportunity to review the plans and specifications for the construction of these improvements together with the Developer's Agreement with Jarone Development, LLC and has provided the Developer the opportunity to discuss same; and

WHEREAS, after discussion, review and further consideration, Council has deemed it acceptable, appropriate and in the best interests of the health, safety and welfare of the citizens of Avon to enter into a written Developer's Agreement to provide for construction of said sanitary sewer and appurtenances thereto within the public right of way along Nagel and Avon roads as set forth in the plans and specifications approved by Planning Commission on the aforementioned date.

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

Section 1 - That the City of Avon is hereby authorized to enter into a Developer's Agreement with Jarone Development, LLC for the installation of a sanitary sewer and all appurtenances thereto within the public right of way along Nagel and Avon roads pursuant to plans and specifications approved by Planning Commission on December 11, 2013 together with said Developer's Agreement which is attached hereto as Exhibit A, all of which is incorporated herein by this reference.

Section 2 - The Acting Mayor and President of Council are hereby authorized to sign said Developer's 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.

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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 City to enter into a Developer's Agreement with Jarone Development, LLC for the installation of a sanitary sewer in the public right of way along Nagel and Avon roads; 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: _____

William Logan, Acting 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