

ORDINANCE NO. 97-15

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT
WITH MENARD, INC. FOR THE INSTALLATION OF PUBLIC UTILITIES IN THE
VICINITY OF CHESTER ROAD AND SCHNEIDER COURT
AND DECLARING AN EMERGENCY**

WHEREAS, Menard, Inc. a Wisconsin corporation, is seeking to develop property it owns at 35700 Chester Road for the new Menard's retail outlet; and

WHEREAS, said development will require the installation of public utilities within the public right of way and within an easement over their private property; and

WHEREAS, on January 21, 2015, the Planning Commission voted to approve the installation of said improvements and the acceptance of the necessary easements by a vote of Five (5) to Zero (0); and

WHEREAS, Council has had the opportunity to review the Developer's Agreement with Menard, Inc. and has provided the Developer the opportunity to discuss the proposed Agreement along with the plans and specifications for the construction of these specific improvements; 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 Agreement to provide for construction of a waterline and appurtenances thereto (the improvements) within the aforementioned development as set forth in the plans and specifications approved by Planning Commission.

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 Menard, Inc. for the installation of a waterline and appurtenances thereto within the right of way of Schneider Court and Chester Road as well as within an easement dedicated to the City on property Menard's owns at 35700 Chester Road pursuant to plans and specifications contingently approved by Planning Commission on January 21, 2015 and subsequently finalized and approved by the City's Engineer. A copy of said Developer's Agreement is attached hereto and marked as "Exhibit A" and incorporated herein by reference.

Section 2 - The 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 Menard, Inc. for the installation of a waterline as set forth herein between Chester Road and Schneider Court; 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

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director