

**ORDINANCE NO. 117-15**

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT  
WITH DISCOUNT DRUG MART CORPORATION FOR THE  
CONSTRUCTION/INSTALLATION OF AN EXTENSION TO MIDDLETON ROAD  
EAST OF NAGEL ROAD ON A xxx ACRE PARCEL OF LAND  
AND DECLARING AN EMERGENCY**

**WHEREAS**, Discount Drug Mart, Inc.. (hereinafter referred to as "Discount Drug Mart") is the owner of a        acre parcel of land located on Middleton Road, east of Nagel Road and south of Avon Road, in the City of Avon and seeks to install/construct a public road including public water, sanitary sewer mains and sidewalks to serve adjacent properties; and

**WHEREAS**, on July 15, 2015, Discount Drug Mart presented plans and specifications for said public road to the Planning Commission and by a vote of five (5) in favor and zero (0) opposed, Planning Commission made a recommendation to Council approving the installation/construction of said improvement of Middleton Road, east of Nagel Road as a public road to be located on a        acre parcel of land in the City, to include public water, sanitary sewer mains and sidewalks to serve adjacent properties; and

**WHEREAS**, Council has had the opportunity to review the Developer's Agreement with Discount Drug Mart and has provided the Developer the opportunity to discuss the proposed Developer's Agreement and plans for the extension of Middleton Road east of Nagel Road and south of Avon Road; 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 the installation/construction of an extension to Middleton Road, east of Nagel Road and south of Avon Road as a public road, to be located on a        acre parcel of land in the City, said roadway to include public water, sanitary sewer mains and sidewalks to serve adjacent properties (the improvement) 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 Discount Drug Mart for the installation/construction of an extension to Middleton Road, east of Nagel Road, as a public road, to be located on        acre parcel of land in the City, said improvements to include public water, sanitary sewer mains and sidewalks to serve adjacent properties pursuant to plans and specifications approved by Planning Commission July 15, 2015. A copy of said Developer's Agreement is attached hereto, 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.

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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 City to enter into a Developer's Agreement with Discount Drug Mart for the installation/construction of an extension to Middleton Road, east of Nagel Road, south of Avon Road as a public road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig 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