

ORDINANCE NO. 101-15

**AN ORDINANCE APPROVING MODIFICATIONS TO THE
SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS
REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN
FOR THE CITY OF AVON**

WHEREAS, Jarone Development is proposing to develop land in the vicinity of the northwest corner of Nagel and the proposed Middleton Roads for the future Meijer's retail store; and

WHEREAS, 2.8 acres of the 23 acre Meijer's site is located within the Jaycox Road Sanitary Sewer District and the balance of the property is located in the Nagel Road Sewer District; and

WHEREAS, to include all of the Meijer property into the Nagel District, the Developer has applied for a modification of the Sanitary Sewer Master Plan to remove 2.8 acres of land currently in the Jaycox District and place it in the Nagel District; and

WHEREAS, Planning Commission considered the application to amend the Sanitary Sewer Master Plan and on July 29, 2015 and held a public hearing on said request. That same day, by a vote of Five (5) in favor to Zero (0) opposed, Planning Commission approved the amended application to modify the Sanitary Sewer Master Plan contingent upon the property owner/applicant paying the proportionate share of the Jaycox Road surcharges attributable to the 2.8 acre tract of land in question; and,

WHEREAS, Council held a public hearing on September 28, 2015 at 7:20 p.m. on said request; and

WHEREAS, Council deems it to be in the best interests of the City of Avon to approve this modification to the Sanitary Sewer Master Plan.

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

Section 1 - That the Sanitary Sewer Master Plan for the City of Avon is hereby amended to allow 2.8 acres of land located on the north side of the proposed Middleton Road near the intersection of Nagel Road, i.e., the future site of the Meijer's retail store, currently located in the "Jaycox Road" District to be placed into the "Nagel Road" District, all of which is further described in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2 - That approval of this Ordinance is contingent upon the property owner/applicant paying the Jaycox Road Sanitary Sewer Surcharges to the City in the amount of \$14,346.59 that are attributable to the 2.8 acre piece of land being moved from the Jaycox District into the Nagel District proportionate share of the Jaycox Road surcharge on the tract of land in question. Said fee shall be due and payable prior to the issuance of any Building Permit or connection to the City's Sanitary Sewer and Water facilities to any site on the north side of Middleton Road extending 800 feet west from Nagel Road in the area identified in Exhibit A.

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 shall take effect and be in force at the earliest date allowed by law.

First Reading _____

Second Reading _____

Third Reading _____

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