

ORDINANCE NO. 141-15

**AN ORDINANCE TO AUTHORIZE THE FINAL PLAT
FOR KENWYN VILLAGE ESTATES SUBDIVISION NO. 2
AND DECLARING AN EMERGENCY**

WHEREAS, on May 23, 2003, Planning Commission voted to approve the Preliminary Plat for Kenwyn Village Estates Subdivision; and

WHEREAS, on July 16, 2003, the Planning Commission voted to recommend approval of Kenwyn Village Estates Subdivision No. 1; and

WHEREAS, on October 14, 2003, Council voted to defeat Ord. No. 184-03 to authorize the final plat and subdivider's agreement for Kenwyn No. 1; and

WHEREAS, the Subdivider filed suit against the City Council and as a result of the Court decision in *South Park, LTD. v. Council of the City of Avon*, Case No. 05CA008737 Council passed Ord. No. 3-07 to authorize the final plat and subdivider's agreement for Kenwyn Village Estates Subdivision No. 1; and

WHEREAS, on July 30, 2014, Planning Commission, by a vote of five (5) in favor and (0) zero opposed, voted to recommend approval of the Final Plat and Subdivider's Agreement for Avondale Subdivision No. 1 together with the North Long Road Extension to its southern terminus at the McWilliams property line as part of the improvements to be constructed in Avondale Subdivision No. 1.

WHEREAS, Council passed Ord. No. 93-14 on September 8, 2014 to authorize the final plat and Subdivider's Agreement for same;

WHEREAS, Council has accepted the improvements in Avondale Subdivision No. 1 along with the improvements to North Long Road in Ord. No. 140-15; and

WHEREAS, South Park, LLC now seeks to complete the construction of the Kenwyn Village Estates Subdivision No. and requests that Council authorize the final plat for same.

WHEREAS, Council, having considered the history surrounding the development of Kenwyn Village Estates Subdivision finds it to be in the best interests of the health, safety and welfare of the citizens of Avon to approve said final plat and allow for the completion of this subdivision and the extension of the City's public improvements.

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

Section 1 – That the Final Plat for Kenwyn Village Estates Subdivision No. 2 is hereby accepted in conjunction with the acceptance of improvements in Avondale Subdivision No. 1 and with the acceptance of improvements to the North Long Road Extension. A copy of said

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final plat for the Kenwyn Village Estates Subdivision No. 2, is attached hereto as "Exhibit A" and incorporated herein by reference.

Section 2 - The Mayor and President of Council are hereby authorized to sign said plat 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 accept the final plat for Kenwyn Village Estates Subdivision No. 2; 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

ATTEST:

Ellen R. Root
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.