

## **ORDINANCE NO. 13-15**

### **AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH THE AVON LOCAL SCHOOL DISTRICT, BOARD OF EDUCATION FOR THE INSTALLATION/ CONSTRUCTION OF ADDITIONAL PAVEMENT, VIZ, A THIRD LANE OF TRAFFIC IN THE VICINITY OF 3445 LONG ROAD (AVON MIDDLE SCHOOL) AND DECLARING AN EMERGENCY**

**WHEREAS**, Avon Local School District, Board of Education, (hereinafter referred to as the "District") is the owner of a parcel of land located in the vicinity of 3445 Long Road (Avon Middle School) in the City of Avon and seeks to install/construct additional pavement, viz., a third lane of traffic, in the vicinity of 3445 Long Road, together with all appurtenances thereto

**WHEREAS**, on January 21, 2015, the District presented plans and specifications for said road improvements to the Planning Commission, and by a vote of five (5) in favor and zero (0) opposed, made a recommendation to Council to permit the installation/construction of additional pavement for the new Avon Middle School located in the vicinity of 3445 Long Road; and

**WHEREAS**, Council has had the opportunity to review the Developer's Agreement with the District and has provided the District the opportunity to discuss the proposed Developer's Agreement and plans and specifications for the road 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 the installation/construction of additional pavement in the vicinity of 3445 Long Road, (Avon Middle School) 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 the Avon Local School District, Avon Board of Education for the installation/construction of additional pavement, viz., a third lane of traffic, in the vicinity of 3445 Long Road (Avon Middle School) pursuant to plans and specifications approved by Planning Commission on January 21, 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.

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 the District for the installation/construction of additional pavement, viz., a third lane of traffic, in the vicinity of 3445 Long Road (Avon Middle School); 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  
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