

ORDINANCE NO. 131-16

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT
WITH AVON SENIOR LIVING, LLC FOR THE CONSTRUCTION OF PUBLIC
IMPROVEMENTS AT THE ROSE SENIOR LIVING COMPLEX
AND DECLARING AN EMERGENCY**

WHEREAS, Avon Senior Living LLC (aka Edward Rose Properties, Inc.) is the owner of a parcel of land at the east end of Health Campus Boulevard in the City of Avon which is the site of the Rose Senior Living Complex; and

WHEREAS, Avon Senior Living recently completed phase one of this complex which consisted of a 175 room memory care unit; and

WHEREAS, Avon Senior Living now seeks to develop phase 2 which will consist of 76 congregate care senior living town homes; and

WHEREAS, in order to complete phase 2, Avon Senior Living must construct a Public Improvements at the site, to wit: Water and sanitary sewer mains to serve the property; and

WHEREAS, on July 20, 2016, Avon Senior Living presented plans and specifications for the proposed Public Improvements in phase 2 to the Planning Commission and by a vote of five (5) in favor and zero (0) opposed, Planning Commission made a recommendation to Council to approve same; and

WHEREAS, Council has had the opportunity to review the Developer's Agreement with Avon Senior Living and has provided the Developer the opportunity to discuss the proposed Developer's Agreement and plans for the installation of said Public 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 Developer's Agreement to provide for the construction of public water and sanitary sewer mains and appurtenances thereto to serve Phase 2 of the Rose Senior Living Complex as set forth in the approved plans and specifications.

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 Avon Senior Living, LLC for the construction of public water and sanitary sewer mains and all appurtenances thereto to serve phase 2 of the Rose Senior Living Complex located at the eastern end of Health Campus Blvd. pursuant to plans and specifications approved by Planning Commission and the City Engineer on December 2, 2016. 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.

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 Avon Senior Living for the construction Public Improvements; therefore, this Ordinance shall be in full force and effect immediately upon its passage by Council 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:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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