

ORDINANCE NO. 21-17

AN ORDINANCE TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR THE WEST WICKHAM SUBDIVISION AND DECLARING AN EMERGENCY

WHEREAS, on July 20, 2016, the Planning Commission voted to recommend approval of the Final Plat for the West Wickham Subdivision by a vote of four (4) in favor, zero (0) opposed and One (1) abstention; and

WHEREAS, Council has had the opportunity to review the Final Plat and Subdivider's Agreement for the West Wickham Subdivision and has provided the Subdivider the opportunity to discuss same; and

WHEREAS, Council, understanding the importance of completing the public improvements in this Subdivision to the larger Joseph, Puth, Elizabeth and Detroit Sanitary Sewer Project, deems passage of this legislation by emergency necessary for the health, safety and welfare of the citizens of Avon; and

WHEREAS, after discussion, review and further consideration, Council has deemed the Final Plat acceptable and appropriate and agrees to enter into a written Subdivider's Agreement to provide for construction of all public improvements in the West Wickham Subdivision.

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

Section 1 - The City of Avon hereby accepts the Final Plat for the West Wickham Subdivision and enters into a Subdivider's Agreement and Performance Bond for the completion of said public improvements therein, a copy of which is attached hereto, and marked "Exhibit A", and incorporated into this ordinance by reference.

Section 2 - The Mayor and President of Council are hereby authorized to sign said Agreements 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 final plat and subdivider agreement for the West Wickham Subdivision to enable them to begin construction of the Public Improvements as soon as possible to facilitate connection to Phase One of the Joseph, Puth, Elizabeth & Detroit Sanitary Sewer Project; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 21-17 (Con't)

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