

ORDINANCE NO. 89-16

**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, Sitetech, Inc., subdivider of West Wickham Subdivision (hereinafter referred to as "Subdivider"), is proposing to subdivide and develop land in the vicinity west of Nagel Road and south of Middleton Road; and

WHEREAS, Sitetech, to facilitate this development, proposed that the Avon Sanitary Sewer Master Plan be amended to permit approximately 69.77 acres of land currently in Jaycox District to be moved into the Nagel District; and

WHEREAS, the City, in need of providing sanitary sewer service to several properties along Detroit, Joseph, Puth and Elizabeth roads per an Ohio EPA Consent Agreement (See Ord. No. 37-13, passed April 1, 2013), supports this proposed modification because it will reduce the cost of future sanitary sewer installations to these affected properties/homeowners currently in the Jaycox District; and

WHEREAS, Planning Commission, on July 20, 2016 held a public hearing and considered the application to amend the Sanitary Sewer Master Plan as set forth above and by a vote of Four (4) in favor, One (1) abstention, and Zero (0) opposed, approved said application; and

WHEREAS, Council held public hearings on September 26, 2016 at 7:25 p.m. and November 28, 2016 at 7:25 p.m. and January 9, 2017 at 7:25 p.m. and January 23, 2017 at 7:25 p.m. on said request; and

WHEREAS, Council deems it in the best interests of the City and in the best interests of the property owners located along Detroit, Joseph, Puth and Elizabeth roads to approve this modification to the Sanitary Sewer Master Plan thereby enabling them to obtain connections to the City's sanitary sewer infrastructure and a reasonable cost.

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 approximately 69.77 acres of land located in Jaycox District to be moved to the Nagel District, all of which is further described in Exhibit "A," which is attached hereto and incorporated herein by reference.

Section 2 – With the approval of this ordinance, the property owner/applicant understands that any tap made into the City's sanitary sewer system within the 69.77 acre tract of land being transferred from the Jaycox District to the Nagel District will continue to be obligated to pay the surcharge established by Ordinance No. 110-06 for the year in which the sanitary sewer tap is made, interest included, which rate is currently set at \$3,000.40 for the year 2017, ending November 30, 2017 and adjusted each year thereafter on December 1st.

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: _____
Robert J. Butkowski, Council President Pro Tem

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director