

ORDINANCE NO. 30-17

**AN ORDINANCE AUTHORIZING AN AMENDMENT
TO THE FINAL PLAT FOR AVONDALE SUBDIVISION NO. 1 AND TO
ACCEPT THE FINAL PLAT FOR AVONDALE SUBDIVISION NO.2
AND DECLARING AN EMERGENCY**

WHEREAS, AV Associates, L.P. (Subdivider) presented a Preliminary Plat to Planning Commission for the construction of a five (5) phase subdivision to be known as Avondale Subdivision back on October 16, 2013 and Planning Commission, on November 6, 2013 approved the Preliminary Plat for said subdivision; and

WHEREAS, Subdivider then submitted their final plat and Subdivider Agreement for Avondale Subdivision No. 1 to the Planning Commission on July 16, 2014 and City Council approved same by Ordinance No. 93-14, on September 8, 2014; and

WHEREAS, City Council accepted the improvements in Avondale Subdivision No. 1 by Ordinance No. 140-15, passed on October 26, 2015, which Final Plat was recorded on November 23, 2015 and known as Plat Volume 101, Pages 56,57,58,59,60,61 & 62 of the Lorain County Map Records; and

WHEREAS, Subdivider later sought to increase the lot areas of Sublots 30 & 31 and decrease the acreage of Block B in Avondale Subdivision No. 1 in an effort to accommodate the purchasers of those two sublots; and

WHEREAS, to accomplish this amendment, the Lorain County Recorder's Office required the creation of a new Subdivision, viz., Avondale Subdivision No. 2 consisting of consisting of two sublots, formerly lots 30 and 31 but now to be known as sublots 42 and 43; and

WHEREAS, Subdivider then proposed amending Avondale Subdivision No. 1 to reduce the number of lots from 41 to 39 and creating Avondale Subdivision No. 2 consisting of two sublots utilizing land from Block B. As a result, subplot 30, originally 0.4573 acres, became subplot 42 now 0.5871 acres in size, subplot 31, originally 0.5254 acres, became subplot 43 now 0.6259 acres in size, and Block B, originally 9.4472 acres, became Block C now 9.2169 acres in size. In addition, all future phase, block and subplot designations were adjusted accordingly to meet Lorain County requirements;

WHEREAS, on December 21, 2016, the Subdivider submitted an amended Final Plat for Avondale Subdivision No. 1 and a new Final Plat for Avondale Subdivision No. 2 to the Avon Planning Commission, and by a vote of five (5) to zero (0), approved same and recommended both to City Council; and

WHEREAS, the Subdivider then caused to be created a revised Preliminary Plat noting revisions to the sublots and block areas at issue, new project phase designations for the entire subdivision, an amended Final Plat for Avondale Subdivision No. 1 and a new Final Plat for Avondale Subdivision No. 2 which Planning Commission reviewed and approved, by a vote of five (5) to zero (0), on April 19, 2017; and

WHEREAS, Council, having reviewed the amended Final Plat for Avondale Subdivision No. 1 and the new Final Plat for Avondale Subdivision No. 2 and after discussion, review and further consideration, has deemed it in the best interests of the health, safety and welfare of the citizens of Avon to amend the Final Plat for Avondale Subdivision No. 1 and to accept the new Avondale Subdivision Phase 2 Final Plat as presented.

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

Section 1 - That the Final Plat for Avondale Subdivision No. 1 is hereby amended to eliminate sublots nos. 30 and 31 and Block B thereby reducing the total number of sublots therein to 39 (See attached Exhibit A).

Section 2. – That subplot 30 originally 0.4573 acres will become Sublot 42 now 0.5871 acres in size and subplot 31 originally 0.5254 acres will become subplot 43 now 0.6259 acres in size located in the new Avondale Subdivision No. 2 (See attached Exhibit B). In addition, Block B originally 9.4472 acres will become Block C now 9.2169 acres in size and also be located in Subdivision No. 2 (See attached Exhibit B). All future phase, block and subplot designations shall be adjusted accordingly and as set forth in the amended Preliminary Plat which was presented to and approved by Avon Planning Commission on April 19, 2017 (See attached Exhibit C)

Section 3 - All terms and conditions set forth in the original Subdivider's Agreement for Avondale Subdivision No. 1 and which are not inconsistent herewith, shall also apply to new Avondale Subdivision No. 2 and remain in full force and effect.

Section 4 - 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 5 - 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 amend the Final Plat for Avondale Subdivision No. 1 and approve and accept the new Final Plat for Avondale 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 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