

**ORDINANCE NO. 41-17**

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT  
FOR PACIFIC RESTAURANT ENTERPRISES, LLC  
AND DECLARING AN EMERGENCY**

**WHEREAS**, on October 19, 2016, the Planning Commission voted to approve the upgrades to the traffic signal and pavement markings (improvements) on Detroit Road by Pacific Restaurant Enterprises, LLC, hereinafter referred to as "the Developer" by a vote of Five (5) to Zero (0); and

**WHEREAS**, Council has had the opportunity to review the Developer's Agreement for the installation of said improvement by Pacific Restaurant Enterprises, LLC and has provided the Developer the opportunity to discuss the proposed Developer Agreement for this project; and

**WHEREAS**, after discussion, review and further consideration, Council has deemed it acceptable and appropriate and in the best interests of the health, safety and welfare of the community to enter into a written Developer's Agreement to provide for the upgrades to the traffic signal and pavement markings (improvements) for Taco Bell located on Detroit Road across from the Avon Fire Department with Pacific Restaurant Enterprises, LLC.

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

Section 1 - The City of Avon hereby enters into an Agreement for the installation of public improvements, viz., upgrades to the traffic signal and pavement markings (improvements) on Detroit Road by Pacific Restaurant Enterprises, LLC, a copy of said Agreement being attached hereto and marked "Exhibit A" and incorporated herein by reference.

Section 2 - The Mayor and President of Council are hereby authorized to sign said 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 a Developer's Agreement with Pacific Restaurant Enterprises, LLC for the upgrades to the traffic signal and pavement markings (improvements) on Detroit Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 41-17 (Con't)

PASSED: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig L. Witherspoon, President of Council

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director  
City of Avon, Ohio

ATTEST:

\_\_\_\_\_  
Barbara Brooks  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

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