

ORDINANCE NO. 32-21

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT
FOR GEIS AT CHESTER, LLC
AND DECLARING AN EMERGENCY**

WHEREAS, on October 19, 2016, the Planning Commission voted Five (5) to Zero (0) to approve the installation of a traffic signal and pavement markings (improvements) on Chester Road at the future Bendix (north) and NWQ (south) ingress and egress points; and

WHEREAS, Bendix and NWQ have agreed to cover the cost of installing the traffic signal, pavement markings and appurtenances thereto; and

WHEREAS, Geis at Chester, LLC (hereinafter referred to as "Geis", the construction contractor at the Bendix site), on behalf of Bendix and NWQ, is now prepared to enter into a Developer's Agreement with the City of Avon and move forward with the installation of the traffic signal; and

WHEREAS, Council has had the opportunity to review the Developer's Agreement entered into between the City and Geis and the Developer has been given the opportunity to discuss the proposed Developer's Agreement for this project with the City and is prepared to move forward; 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 authorize the Mayor to enter into a written Developer's Agreement with Geis to provide for the installation of traffic signalization, pavement markings and all appurtenances thereto (improvements) at the point of ingress/egress into the Bendix and NWQ sites on Chester Road.

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

Section 1 – The Council for the City of Avon hereby authorizes the Mayor to enter into an Agreement with Geis at Chester, LLC for the installation of public improvements, viz., traffic signalization, pavement markings and all appurtenances thereto (improvements) on Chester Road at the location indicated on the diagram attached to the referral from Planning Commission. A copy of said Developer's Agreement is attached hereto, marked Exhibit A and incorporated herein by this 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 Geis for the installation of traffic signalization and pavement markings (improvements) on Chester Road during the upcoming 2021 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, 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