

ORDINANCE NO. 43-21

AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH AUGUST PROPERTIES, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS ON THE NORTH SIDE OF RIEGELSBERGER ROAD, EAST OF KENSINGTON DRIVE AND DECLARING AN EMERGENCY

WHEREAS, August Properties, LLC. is seeking to develop property it owns on the north side of Riegelsberger Road, east of Kensington Drive in the City of Avon; and

WHEREAS, said development will require the installation and dedication of a sanitary sewer extension inside a utility easement adjacent to the City's right of way on the north side of Riegelsberger Road, east of Kensington Drive; and

WHEREAS, on May 19, 2021, the Planning Commission voted to recommend approval of extending the sanitary sewer on the north side of Riegelsberger Road, east of Kensington Drive, 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 Developer's Agreement with August Properties, LLC and has provided the Developer the opportunity to discuss the proposed Developer Agreement and plans for the extension of the sanitary sewer; and

WHEREAS, after discussion, review and further consideration, Council deems it acceptable, 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 construction of the public improvements set forth therein.

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

Section 1 - That the City of Avon hereby enters into a Developer Agreement with August Properties, LLC for the extension of a sanitary sewer on the north side of Riegelsberger Road, east of Kensington Drive, a copy of said Agreement being attached hereto and marked Exhibit A and incorporated herein by reference.

Section 2 - The Acting Mayor (William D. Logan, Finance Director) and President of Council are hereby authorized to sign said Developer 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

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Avon, the immediate emergency being the necessity to authorize a Developer's Agreement with August Properties, LLC for the extension of a sanitary sewer and to enable completion within the current construction period; 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 SIGNED BY THE MAYOR: _____

William D. Logan, Acting Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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