

ORDINANCE NO. 69-21

**AN ORDINANCE TO ACCEPT DEDICATION OF PUBLIC RIGHT-OF-WAY AND
PERMANENT UTILITY EASEMENTS ALONG CHESTER ROAD AND WITHIN
THE CONCORD VILLAGE DEVELOPMENT
AND DECLARING AN EMERGENCY**

WHEREAS, Concord Village Phase One, LLC and Concord Village Phase Two, LLC, (hereinafter referred to jointly as “Concord”) own property along the north side of Chester Road in the vicinity of American Way; and

WHEREAS, Concord is nearing completion of its infrastructure improvements, viz., sanitary sewers and waterlines, and seeks to dedicate easements containing this public infrastructure prior to petitioning the City to accept same as public improvements; and

WHEREAS, Concord also desires to donate to the City additional lands along the northern edge of Chester Road to provide additional right of way and thereby facilitate the widening of Chester Road to three lanes in the vicinity of their development; and

WHEREAS, to facilitate the dedication of these utility easements and right of way, Concord has executed a dedication plat conveying these lands to the City of Avon, Ohio, for the aforementioned purposes; and

WHEREAS, Planning Commission reviewed the dedication plat on August 18, 2021 and by a vote of Five (5) to zero (0), recommended approval of same; and

WHEREAS, Council has reviewed the final dedication plat, the proposed right-of-way along Chester Road and the permanent utility easements with the Concord Village development and believes that it is in the best interests of the health, safety and welfare of the citizens of Avon, to accept same and authorize the plat to be recorded upon passage of this legislation.

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

Section 1 - That the dedication plat for Chester Road Right of Way and Concord Village Utility Easements offered to the City by Concord Village Phase One, LLC and Concord Village Phase Two, LLC, as prepared by Polaris Engineering, approved by the City Engineer and as set forth in the attached Exhibit A, which is incorporated herein by this reference, is hereby accepted by Council on behalf of the City of Avon.

Section 2 – Concord shall cause the plat to be recorded in the office of the Lorain County Recorder within thirty (30) days of the passage of this legislation. Acceptance of utilities shall not take place until said plat is recorded.

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

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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 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to accept the above described dedication plat for additional Chester Road right-of-way and permanent utility easements within Concord Village Development from Concord Village Phase One, LLC and Concord Village Phase Two, LLC; 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, Council President

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