

ORDINANCE NO. 15-22

**AN ORDINANCE TO REJECT THE FINAL PLAT FOR
GRANDE ESPLANADE SUBDIVISION, PHASE 1
AND DECLARING AN EMERGENCY**

WHEREAS, on January 19, 2022, the Planning Commission voted not to recommend approval of the Final Plat for Grande Esplanade Subdivision No. 1 by a vote of Four (4) to Zero (0); and

WHEREAS, the reason behind Planning Commission's refusal was the failure on the part of the Subdivider to acquire the property rights from the adjoining property owner to the north to connect to the sanitary sewer on St. Theresa Blvd.; and

WHEREAS, Council has had the opportunity to review the Final Plat for Grande Esplanade Subdivision No. 1, and has provided the Subdivider the opportunity to discuss same along with plans for Grande Esplanade Subdivision No. 1; and

WHEREAS, after discussion, review and further consideration, Council has deemed the Final Plat unacceptable and inappropriate primarily due to the Subdivider's failure to legally access any public sanitary sewer system and as such shall not enter into a written Subdivider's Agreement to provide for construction of all public improvements in Grande Esplanade Subdivision No. 1 until such time as all property rights have been acquired.

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

Section 1 - The City of Avon hereby rejects the Final Plat for Grande Esplanade Subdivision No. 1 and will not enter into a Subdivider's Agreement for the completion of all improvements in said Subdivision.

Section 2 - 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 3 - 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 reject the non-conforming Final Plat for the Grande Esplanade Subdivision No. 1; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

Ordinance No. 15-22 (Con't.)

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 Brooks, Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director