

ORDINANCE NO. 90-16

AN ORDINANCE TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR ARLINGTON PLACE SUBDIVISION NO. 11 AND DECLARING AN EMERGENCY

WHEREAS, on September 17, 2014, by a vote of Five (5) in favor and Zero (0) opposed, the Planning Commission voted to recommend to Council approval of the Final Plat and Subdivider's Agreement for Arlington Place Subdivision No. 11; and

WHEREAS, the subdivider elected not to proceed; and

WHEREAS, recently the subdivider has modified the Preliminary Plat for Arlington Place Subdivision and the Final Plat for Arlington Place Subdivision No. 11; and

WHEREAS, the subdivider submitted the revised Preliminary Plat and Final Plat to Planning Commission on July 20, 2016 and by a vote of Five (5) in favor and Zero (0) opposed, Planning Commission approved the amendment to the Preliminary Plat and recommended to Council approval of the revised Final Plat for Arlington Place Subdivision No. 11; and

WHEREAS, Council had the opportunity to review same and provide the Subdivider with the opportunity for discussion; and

WHEREAS, after discussion, review and further consideration, Council has deemed the Final Plat acceptable and appropriate and agrees to enter into a written Subdivider's Agreement to provide for construction of all public improvements in Arlington Place Subdivision No. 11.

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

Section 1 - The City of Avon hereby accepts the Final Plat for Arlington Place Subdivision No. 11 and enters into a Subdivider's Agreement and Performance Bond for the completion of said public improvements therein, a copy of which is attached hereto, and marked "Exhibit A", and incorporated into this ordinance by reference.

Section 2 - The Mayor and President of Council are hereby authorized to sign said Agreements 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 the final plat and subdivider's agreement for Arlington Place Subdivision No. 11 to enable them to begin construction of the

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improvements prior to the end of this year's 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: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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