

ORDINANCE NO 20-25

**AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE FINAL PLAT
AND SUBDIVIDER'S AGREEMENT FOR STONEY ACRES SUBDIVISION
BETWEEN THE CITY OF AVON AND ROUTE 83 PROPERTIES, LLC.
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance No. 117-23 which passed by City Council on November 13, 2023, authorized the Final Plat and Subdivider's Agreement for Stoney Acres Subdivision; and

WHEREAS, Route 83 Properties, LLC is now requesting an amendment to the Subdivider's Agreement to reduce the number of lots from twelve (12) sublots to ten (10); and

WHEREAS, Planning Commission on August 21, 2024, held a Public Hearing and by a vote of Five (5) to Zero (0) approved the amended Preliminary Plat and recommended approval of the amended Final Plat contingent upon engineering and legal approvals; and

WHEREAS, the engineering and legal approvals are now complete and Council, having reviewed the amended Subdivider's Agreement and the amended Final Plat for Stoney Acres Subdivision finds that these amendments, which among other things, reduces the number of lots from twelve (12) to ten (10), are in the best interest of the health, safety, and welfare of the community.

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

Section 1 – That any reference to twelve (12) sublots in the original Subdivider Agreement and Performance Bond shall, and the same is hereby amended to read, ten (10) sublots.

Section 2 – Paragraph 13 (Tree Deposit) of the Subdivider Agreement is hereby amended to read Two Thousand Seven Hundred Fifty and 00/100 Dollars (\$2,750.00).

Section 3 – Paragraph 14 (Deposit for Street and Traffic Control Signage and Pavement Markings) of the Subdivider Agreement is hereby amended to read Five Hundred and 00/100 Dollars (\$500.00).

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 amend the Final Plat and various sections of the Subdivider's Agreement with Route 83 Properties, LLC to, among other things, reduce the number of sublots from twelve (12) to ten (10) in Stoney Acres Subdivision and adjust the

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applicable deposits accordingly; 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: _____
Electronically and at City Hall as
Provided by Council

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