

**ORDINANCE NO. 29-15**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH CITY CENTRE OF AVON RETAIL LLC FOR A PUBLIC PARKING LOT OVER CITY PROPERTY AT 2066 CENTER ROAD AND DECLARING AN EMERGENCY**

**WHEREAS**, City Centre of Avon Retail, LLC is in the process of expanding its shopping center known as the “City Centre of Avon” in and around the corner of State Route 83 and Detroit Road (State Route 254); and

**WHEREAS**, to facilitate the creation of additional parking for the general public and, more specifically, for shoppers to the stores in the development, the developer has requested a license from the City to construct an additional parking lot upon City property; and

**WHEREAS**, Planning Commission reviewed the License Agreement and the plans and specifications for the parking lot improvements on February 18, 2015 and by a vote of Four (4) to zero (0), recommended approval of same to Council; and

**WHEREAS**, Council has had an opportunity to review the License Agreement together with the plans and specifications for this public parking lot and has determined that granting the Mayor the authority to enter into a second License Agreement with the developer for the purpose of constructing a parking lot near the north side of the property owned by the City at 2066 Center Road (behind 35955 Detroit Road) will provide a significant benefit to the City and be in the best interest of the health, safety and welfare of the citizens of this community by providing, *inter alia*, additional parking to the general public and contributing to the overall success of this development and the entire Route 254/Route 83 commercial shopping corridor.

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

Section 1 - That the City, through the Office of the Mayor, is hereby authorized to execute a License Agreement with City Centre of Avon Retail, LLC granting it permission to construct and maintain a parking lot on property owned by the City at 2066 Center Road (the northern portion of the City’s water tower properties) pursuant to plans and specifications submitted to and approved by Planning Commission on February 18, 2015 to facilitate additional parking for the general public and contributing to the overall success of this development and the entire Route 254/Route 83 commercial shopping corridor. A copy of said License Agreement is attached hereto as “Exhibit A” and incorporated herein by reference.

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.

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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 enter into a License Agreement with City Centre of Avon Retail, LLC for additional public parking at 2066 Center Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Esq.  
Law Director

ATTEST:

\_\_\_\_\_  
Ellen R. Young  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

Prepared By:

John A. Gasior, Esq.  
Law Director