

ORDINANCE NO. 1-13

**AN ORDINANCE AUTHORIZING AN AMENDMENT
TO THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT
FOR RED TAIL SUBDIVISION NO. 11
AND DECLARING AN EMERGENCY**

WHEREAS, Carnegie Residential Development Corp. (Carnegie) has presented an amended preliminary plat and an amended final plat for Red Tail Subdivision No. 11 to the Planning Commission for approval and recommendation to Council requesting a lot consolidation of subplot 458 with Block LL into one (1) subplot numbered 532 consisting of 0.29 acres and a consolidation of sublots 487, 486 and 485 into two (2) sublots numbered 533 and 534 consisting of 0.27 and 0.28 acres, respectively; and

WHEREAS, following a public hearing on December 19, 2012, Planning Commission, by a vote of four (4) to zero (0), approved the amended preliminary plat and recommended to Council approval of the amended final plat of Red Tail Subdivision No. 11; and

WHEREAS, Council, having reviewed the amended final plat for Red Tail Subdivision No. 11 and after discussion, review and further consideration, has deemed it in the best interests of the health, safety and welfare of the citizens of Avon to accept said amendment and thereby allow the lot consolidation to go forward.

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

Section 1 - That the final plat for Red Tail Subdivision No. 11 is hereby amended to allow for the consolidation of subplot 458 and Block LL into one subplot numbered 532 consisting of approximately 0.29 acres and a consolidation of sublots 487, 486 and 485 into two (2) sublots numbered 533 and 534 consisting of 0.27 and 0.28 acres, respectively, as set forth in the amended final plat which was presented to Planning Commission on December 19, 2012, a copy of which is attached hereto and incorporated herein as Exhibit A.

Section 2 - All terms and conditions set forth in the original Subdivider's Agreement for Red Tail Subdivision No. 11 and which are not inconsistent herewith, shall remain in full force and effect.

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

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Avon, the immediate emergency being the necessity to amend the final plat for Red Tail Subdivision No. 11 to permit a lot consolidation thereby reducing the number of lots in this phase of Red Tail; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, 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