

ORDINANCE NO. 73-13

**AN ORDINANCE TO ACCEPT IMPROVEMENTS ON PROPERTY LOCATED
BETWEEN 35682 AND 35514 DETROIT ROAD (The MarketPlace in Avon)
AND DECLARING AN EMERGENCY**

WHEREAS, Avon 83, LLC, the owner of property located between 35682 and 35514 Detroit Road, has constructed a sanitary sewer and waterline on said site; and

WHEREAS, said improvements were installed sometime between 2009 and 2011, and although at the time they were installed as private utilities, they were inspected by the City's Consulting Engineer, who certified that these utilities were installed per the City's Design Standards; and

WHEREAS, the site, now known as The MarketPlace in Avon, has continued to expand to the point where Ohio EPA regulations make it prudent for the property owner to dedicate these utilities to the City as public improvements; and

WHEREAS, Planning Commission twice reviewed these prior installations and considered the issue of whether or not to recommend their dedication to Council at its meeting on January 16, 2013 and again on May 15, 2013 (slightly modified acceptance recommended) and in each case by vote of Five (5) in favor and Zero (0) opposed voted to recommend acceptance of these improvements; and

WHEREAS, Council, after considering the recommendation of Planning Commission and after discussion, review and further consideration, deems it acceptable, appropriate and in the best interests of the health, safety and welfare of the citizens of Avon to accept dedication of these improvements to facilitate continued growth and development in the community.

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

Section 1 - That the City of Avon hereby accepts dedication of the existing sanitary sewer and waterline at the site known as "The MarketPlace in Avon" located between 35682 and 35514 Detroit Road. The location of said improvements is depicted in Exhibit A, attached hereto and incorporated herein by this 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.

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

Ordinance No. 73-13 (Con't.)

Avon, Ohio; the immediate emergency being the necessity to accept existing sanitary sewer and waterline at the site known as "The MarketPlace in Avon" located between 35682 and 35514 Detroit Road; 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, President of Council

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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