

ORDINANCE NO. 74-13

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT
WITH AVON 83, LLC FOR THE INSTALLATION
OF A SANITARY SEWER AND WATERLINE IN THE VICINITY OF
35682 AND 35514 DETROIT ROAD (The MarketPlace in Avon)
AND DECLARING AN EMERGENCY**

WHEREAS, Avon 83, LLC is seeking to develop property it owns between 35682 and 35514 Detroit Road, also known as "The MarketPlace in Avon" in the City of Avon; and

WHEREAS, said development will require the installation of sanitary sewer and waterline improvements in addition to the dedication of easements over, under and across their property to access same; and

WHEREAS, on January 16, 2013, the Planning Commission voted to approve the installation of said improvements and the acceptance of the necessary easements by a vote of Five (5) to Zero (0); and

WHEREAS, Council has had the opportunity to review the Developer's Agreement with Avon 83, LLC and has provided the Developer the opportunity to discuss the proposed Agreement along with the plans and specifications for the construction of these specific improvements; and

WHEREAS, after discussion, review and further consideration, Council has deemed it acceptable, appropriate and in the best interests of the health, safety and welfare of the citizens of Avon to enter into a written Agreement to provide for construction of said sanitary sewer and waterline (the improvements) within the aforementioned development as set forth in the plans and specifications approved by Planning Commission.

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

Section 1 - That the City of Avon is hereby authorized to enter into a Developer's Agreement with Avon 83, LLC for the installation of a sanitary sewer and waterline on property it owns between 35682 and 35514 Detroit Road, also known as "Market Place" pursuant to plans and specifications approved by Planning Commission on January 16, 2013. A copy of said Developer's Agreement is attached hereto and marked as "Exhibit A". A copy of the survey map depicting the locations of the easements is marked as Exhibit B. Both Exhibits are incorporated herein by reference.

Section 2 - The Mayor and President of Council are hereby authorized to sign said Developer's Agreement 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 City to enter into a Developer's Agreement with Avon 83, LLC for the installation of a sanitary sewer and waterline on property it owns between 35682 and 35514 Detroit Road, also known as "Market Place"; 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
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