

ORDINANCE NO. 102-15

**TO AUTHORIZE THE FINAL PLAT AND A SUBDIVIDER'S AGREEMENT
FOR RED TAIL SUBDIVISION NO. 14
AND DECLARING AN EMERGENCY**

WHEREAS, Carnegie Residential Development Corp., (hereinafter referred to as "Carnegie") is the subdivider of a tract of land known as Red Tail Subdivision No. 14, a subdivision located in the vicinity off Via San Angelo (St. Joseph Way) and Nagel Road in the City of Avon; and

WHEREAS, on July 29, 2015, the Planning Commission voted to approve the Final Plat for Red Tail Subdivision No. 14 by a vote of Five (5) to Zero (0); and

WHEREAS, Council has had the opportunity to review the Final Plat and Subdivider's Agreement for Red Tail Subdivision No. 14, and has provided the Subdivider the opportunity to discuss the proposed Subdivider's Agreement and plans for Red Tail Subdivision No. 14; and

WHEREAS, after discussion, review and further consideration, Council has deemed the Final Plat acceptable and appropriate and agrees to enter into a written Subdivider's Agreement to provide for construction of all improvements in Red Tail Subdivision No. 14.

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

Section 1 - The City of Avon hereby accepts the Final Plat for Red Tail Subdivision No. 14 and enters into a Subdivider's Agreement for the completion of said improvements in said Subdivision, a copy of which is attached hereto, and marked "Exhibit A", and incorporated herein by reference.

Section 2 - The Mayor and President of Council are hereby authorized to sign said 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 final plat and subdivider's agreement with Red Tail Subdivision No. 14 to enable construction of the improvements to begin before the end of the current construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 102-15 (Con't.)

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, 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