

ORDINANCE NO. 116-15

AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH JARONE DEVELOPMENT, LLC FOR THE INSTALLATION/CONSTRUCTION OF AN EXTENSION TO MIDDLETON ROAD, WEST OF NAGEL ROAD, AS A PUBLIC ROAD ON A 2.89 ACRE PARCEL OF LAND, AND DECLARING AN EMERGENCY

WHEREAS, Jarone Development, LLC. (hereinafter referred to as "Jarone Development") is the owner of a 2.89 acre parcel of land located on Middleton Road, west of Nagel Road, in the City of Avon and he seeks to install/construct a public road including public water, sanitary sewer mains and sidewalks to serve adjacent properties; and

WHEREAS, on August 19, 2015, Jarone Development presented plans and specifications for said public road to the Planning Commission and by a vote of five (5) in favor and zero (0) opposed, Planning Commission recommended to Council approval of the installation/construction of the extension to Middleton Road, west of Nagel Road, as a public road, to be located on a 2.89 acre parcel of land in the City, including public water, sanitary sewer, and sidewalks to serve adjacent properties; and

WHEREAS, Council has had the opportunity to review the Developer's Agreement with Jarone Development and has provided the Developer the opportunity to discuss the proposed Developer's Agreement and plans for the extension to Middleton Road, west of Nagel Road; 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 the installation/construction of an extension to Middleton Road, west of Nagel Road, as a public road, to be located on a 2.89 acre parcel of land in the City, including public water, sanitary sewer mains and sidewalks to serve adjacent properties (the improvement) 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 Jarone Development for the installation/construction of an extension to Middleton Road, west of Nagel Road, as a public road, to be located on a 2.89 acre parcel of land in the City, including public water, sanitary sewer mains and sidewalks to serve adjacent properties, pursuant to plans and specifications approved by Planning Commission August 19, 2015. A copy of said Developer's Agreement is attached hereto, marked as "Exhibit A" and 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

Ordinance No. 116-15 (Con't.)

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 Jarone Development, LLC for the installation/construction of an extension to Middleton Road, west of Nagel Road, as a public road, to be located on a 2.89 acre parcel of land in the City, including public water, sanitary sewer mains and all appurtenances thereto required to serve adjacent properties; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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