

ORDINANCE NO. 142-15

**AN ORDINANCE TO AUTHORIZE A FINAL PLAT AND DEVELOPER'S
AGREEMENT WITH LAKE PROPERTIES, LTD FOR THE CONSTRUCTION OF
PUBLIC UTILITIES ON APPROXIMATELY 21 ACRES OF LAND LOCATED WITHIN
THE DEVELOPMENT KNOWN AS REDWOOD AT CARMEL,
AND DECLARING AN EMERGENCY**

WHEREAS, Lake Properties, Ltd. (hereinafter referred to as "Lake Properties") is the owner of land south of I-90 and west of State Route 611 behind the Stonebridge Subdivision in the City of Avon upon which they seek to install/construct a private road with dedicated public water and sanitary sewer mains to serve a development to be known as Redwood at Carmel; and

WHEREAS, on July 15, 2015, Lake Properties presented plans and specifications for said improvements to the Planning Commission, and Planning Commission, by a vote of five (5) in favor and zero (0) opposed, made a recommendation to Council approving the construction of these public improvements at Redwood at Carmel to service 89 attached apartment buildings to be located at said site; and

WHEREAS, Council has had the opportunity to review the Final Plat and Developer's Agreement with Lake Properties and has provided the Developer the opportunity to discuss the proposed Developer's Agreement and plans for the construction of these utilities; 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 Developer's Agreement to provide for the construction of public utilities at Redwood at Carmel, including public water and sanitary sewer mains to serve the property 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 Lake Properties, Ltd. for construction of public utilities at Redwood at Carmel to be located on a 21 acre parcel of land in the City, south of I-90 and west of State Route 611 behind the Stonebridge Subdivision including public water and sanitary sewer mains and all appurtenances thereto, pursuant to plans and specifications approved by Planning Commission on July 15, 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 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.

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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 Developer's Agreement with Lake Properties, Ltd. for the construction of public improvements with the Redwood at Carmel development; 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

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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