

ORDINANCE NO. 102-17

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO
A SETTLEMENT AGREEMENT WITH AMBERWOOD INVESTORS, LLC, AVON
AMBERWOOD DEVELOPMENT COMPANY, LLC AND RICHARD BATT
AND DECLARING AN EMERGENCY**

WHEREAS, Amberwood Investors, LLC filed suit against Avon Amberwood Development Company, LLC, Richard Batt, and the City of Avon on July 18, 2017 in the Lucas County Court of Common Pleas (Case No. CI0201703389) alleging the City wrongfully remitted certain deposits in its possession to Avon Amberwood Development Company and Richard Batt that were due Amberwood Investors at the completion of Phases 1, 2 and 3 of the Amberwood Subdivision; and

WHEREAS, the parties have reached a settlement of their differences and wish to enter into a "Settlement Agreement" to resolve all pending and outstanding claims being litigated in the above-referenced case; and

WHEREAS, Council finds that the settlement reached between the parties is fair and equitable and in the best interests of the health, safety and welfare of the citizens of Avon to adopt same.

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


Section 1 - That Council, in an effort to bring about a reasonable resolution to the dispute between the parties over the ownership of deposits paid to the City by Amberwood Investors, LLC for Amberwood Subdivision Phases 1, 2 and 3, hereby authorizes the Mayor, on behalf of City Council and the City of Avon, to enter into and execute the parties' Settlement Agreement which is attached hereto and incorporated herein by 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.

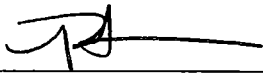
Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the need to bring about a fair and equitable settlement of the dispute over deposits between Amberwood Investors, LLC, Avon Amberwood Development Company, LLC and Richard Batt, Lucas County Court of Common Pleas (Case No. CI0201703389) and avoid incurring additional costs and protracted litigation; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: November 27, 2017

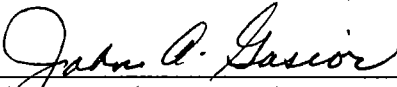
DATE SIGNED: November 28, 2017

By: 
Craig Witherspoon, Council President

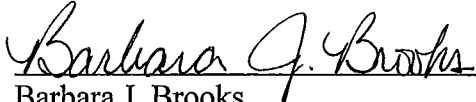
DATE APPROVED BY THE MAYOR November 28, 2017


Bryan K. Jensen, Mayor

APPROVED AS TO FORM:


John A. Gasior, Law Director

ATTEST:


Barbara J. Brooks
Clerk of Council

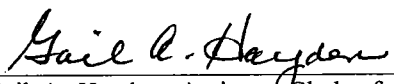
POSTED: November 29, 2017

In Five Places as
Provided by Council

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

I, Gail A. Hayden, Assistant Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 102-17, passed by the Council of said City on November 27, 2017.

IN WITNESS WHEREOF, I have on this 28th day of November, 2017, affixed my signature and official seal of the Clerk of the Council of the City of Avon, Ohio.


Gail A. Hayden, Assistant Clerk of the Council of the City of Avon, Ohio.