

ORDINANCE NO 31-19

AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH SPEEDWAY, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, Speedway LLC (hereinafter referred to as "Speedway" and/or "Developer") desires to develop land and construct a 4,600 square foot gas station, truck refueling station and convenience store on 5 acres of land it owns at the southwest corner of St. Rt. 611 and Recreation Lane; and

WHEREAS, Speedway submitted plans and specifications for the construction of said facilities to Planning Commission on September 18, 2018; and

WHEREAS, the Final Development Plan calls for the construction of various public improvements along Recreation Lane, up to and including the intersection of St. Rt. 611. These improvements consist of the removal of existing pavement, construction of a new roadway to accommodate tractor-trailer traffic, upgrading existing mechanical traffic control devices and new pavement markings; and

WHEREAS, on December 5, 2018, Planning Commission voted to approve the Final Development Plan for Speedway by a vote of Four (4) in favor and Zero (0) opposed; and

WHEREAS, the construction of public improvements in the public right-of-way requires the Developer to enter into a Developer's Agreement with the City. Council has had the opportunity to review the Developer's Agreement for the installation of said public improvements and has provided the Developer the opportunity to discuss the proposed Developer Agreement for this project; and

WHEREAS, after discussion, review and further consideration, Council has deemed it acceptable and appropriate and in the best interests of the health, safety and welfare of the community to enter into a written Developer's Agreement to provide for the construction of the public improvements set forth therein

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

Section 1 – That the City of Avon hereby authorizes the Mayor to enter into a Developer's Agreement with Speedway, LLC for the construction of public improvements as set forth in the plans and specifications approved by Planning Commission and the City Engineer. Said Agreement is attached hereto as Exhibit A and incorporated herein by this 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

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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 a Developer's Agreement with Speedway, LLC for the construction of public improvements along Recreation Land up to and including the intersection of St. Rt. 611 so that the pavement portion of the project can be completed by May 10th, 2019 and the temporary signals installed by June 24th, 2019; 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, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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