

ORDINANCE NO 42-19

AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH JAF ACQUISITIONS, LLC and CONCORD VILLAGE PHASE TWO, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, JAF Acquisitions, LLC and Concord Village Phase Two, LLC (hereinafter referred to as "Developer") desires to develop land and construct 83 additional units north of the existing Concord Village development off of Chester Road; and

WHEREAS, Developer submitted plans and specifications for the construction of said facilities to Planning Commission on April 17, 2019; and

WHEREAS, the Final Development Plan calls for the construction of various public improvements within the development site and along Chester Road. These improvements consist of construction/installation of public utilities within Concord Village No. 2, on a 13.696 acre parcel of land in the City of Avon, said utilities to include public water and sanitary sewer mains and all appurtenances thereto as well as road improvements along Chester Road; and

WHEREAS, on April 17, 2019, Planning Commission voted to approve the Final Development Plan by a vote of Four (4) in favor and Zero (0) opposed; and

WHEREAS, the construction of public improvements on private property and/or 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 Mayor is hereby authorized to enter into a Developer's Agreement with Developer 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

Ordinance No. 42-19 (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 a Developer's Agreement with Developer for the construction of public improvements in Concord Village No. 2 said improvements to include public water and sanitary sewer mains, all appurtenances thereto and road improvements along Chester Road; 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