

ORDINANCE NO. 98-25

**AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE
DEVELOPER'S AGREEMENT WITH CHESTER ROAD PARTNERS, LLC
FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS
AT THE VILLAS AT CHESTER COMMONS
AND DECLARING AN EMERGENCY**

WHEREAS, Chester Road Partners, LLC (hereinafter referred to as "Chester Partners") is the owner of a parcel of land consisting of approximately 54.72 acres, of which they sought to develop 24.40 acres into a multi-family residential development, viz., Villas at Chester Commons, to be located on the north side of Chester Road just to the east of the Timberlake Apartments; and

WHEREAS, Council passed Ord. No. 65-25 on August 11, 2025 to authorize a Developer's Agreement for the construction of public improvements necessitated by the proposed development; and

WHEREAS, Chester Partners has begun construction of said public improvements and with the favorable weather, is ahead of plans to begin constructing apartments at the site; and

WHEREAS, paragraph 19(c) limits the number of models that the developer is permitted to construct prior to acceptance of improvements. In addition, the city desires to add a paragraph 19(d) to include payment of the Land Disturbance Fee upon acceptance of improvements; and

WHEREAS, both of these amendments require Council approval; and

WHEREAS, after discussion, review and further consideration, Council deemed it acceptable, appropriate and in the best interests of the health, safety, and welfare of the citizens of Avon to enter into this Amendment to the Developer's Agreement.

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

Section 1 - That Council hereby authorizes an amendment to the Developer's Agreement with Chester Road Partners, LLC, (Chester Partners) in substantially the form as set forth in attached Exhibit A which is incorporated herein by this reference,

Section 2 - The Mayor and President of Council are hereby authorized to sign said Amendment 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.

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 an amendment to the Developer's Agreement with Chester Partners for the construction of Public Improvements for the future Villas at Chester Commons development to enable additional models and foundations to be started prior to acceptance of improvements and before the end of the 2025 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: October 27, 2025 DATE SIGNED: October 27, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: October 28, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Barbara J. Brooks
Barbara J. Brooks, Clerk of Council

POSTED: October 29, 2025
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 98-25, passed by the Council of said City on October 27, 2025.

IN WITNESS WHEREOF, I have on this 28th day of October 2025, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A
DEVELOPER'S AGREEMENT
AMENDMENT

THIS AMENDMENT TO THE DEVELOPER'S AGREEMENT (hereinafter referred to as the "Amendment") is entered into by and between **CHESTER ROAD PARTNERS, LLC**, an Ohio Limited Liability Company, hereinafter referred to as "Developer", and the **CITY OF AVON**, Lorain County, Ohio, hereinafter referred to as "City". "Council" shall refer to the City Council of Avon, Lorain County, Ohio, and "City Engineer" shall refer to the City Engineer of the City of Avon or his designee hired to perform services on this project. The term "Development" shall refer to the construction of public improvements, to wit: a public waterline, sanitary sewer, stormwater drainage, sidewalk on Chester Road, traffic markings/signage and all appurtenances thereto, at Villas at Chester Commons to be located on an approximately 24.40 acre parcel of land in the City (the "Property") pursuant to plans and specifications contingently approved by Planning Commission on May 21, 2025, (collectively, the "Public Improvements"); final approval by the City Engineer occurring on or about July 10, 2025.

NOW, THEREFORE, THE FOLLOWING IS HEREBY AGREED TO BY AND BETWEEN THE DEVELOPER AND THE CITY OF AVON, LORAIN COUNTY, OHIO:

The parties hereby agree to amend Paragraph 20 of the Developer's Agreement approved by City Council in Ord. No. 65-25 on August 11, 2025 as follows:

20. Time for Commencement of Public Improvements; Acceptance by City.

c) Model Homes. The City of Avon hereby permits Developer to construct two (2) apartment buildings, each containing a model suite and five (5) foundations within the Development prior to acceptance of dedication of Public Improvements by Council. No

additional building permits shall be issued for the erection of buildings until pavement is installed and the watermain, including hydrants are installed and pass pressure testing immediately in front of the area subject to the request. At this point, the Chief Building Official may issue permits for the erection of additional buildings on any of the five foundations that were installed. To reiterate, prior to the issuance of said building permits, Developer must have constructed all utilities and a street in front of the model. A sidewalk shall be constructed in front of the model immediately upon completion. No occupancy permit will be issued for any suite in the model until construction of all Public Improvements in the Development are substantially completed and an ordinance accepting the dedication of Public Improvements in the Development is passed by Council.

d) Prior to being placed on Council's agenda for acceptance of the Public Improvements in the Development, Developer shall pay to the Director of Finance the sum of **Four Thousand, Eight Hundred, Eighty Dollars and No Cents.** This Land Disturbance Fee shall be placed into Land Disturbance Fee Fund No. 280 in accordance with Ord. Nos. 34-25, 35-25 and ACO Section 210.01(F)(8).

IN WITNESS WHEREOF, the parties have affixed their signatures hereto this 27th day of October, 2025

Barbara Brooks

**CHESTER ROAD PARTNERS, LLC, an
Ohio Limited Liability Company**

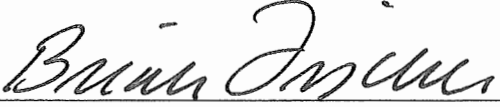
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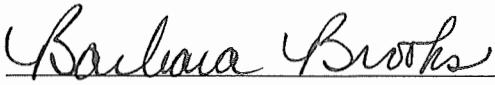
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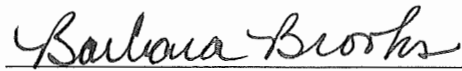
Its: Owner's Representative

CITY OF AVON

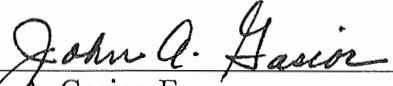
By: 
Bryan K. Jensen, Mayor

By: 
Brian Fischer, Council President





Approved as to Form:


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