

ORDINANCE NO. 100-14

**AN ORDINANCE TO RESCIND ORDINANCE NO. 31-14
AUTHORIZING THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT
FOR CREEKSIDE SUBDIVISION NO. 1
AND DECLARING AN EMERGENCY**

WHEREAS, on or about April 17, 2013, Garland Griffin Homes, Inc. came to the City of Avon with plans to build a two phase subdivision in the vicinity of Schwartz, Jaycox, Riegelsberger, Kensington and Livingstone roads in the City of Avon, Ohio; and

WHEREAS, at the Planning Commission meeting of that same day, amid concerns from neighboring residents and city officials, the Commission approved the Preliminary Plat for Creekside Subdivision with the understanding that the engineering for final plat approval for phase one would be very thorough; and

WHEREAS, on February 19, 2014, Planning Commission for the City of Avon, after hearing from various residents, city officials and engineers regarding the feasibility of developing the land in question, and based on information and data available at the time, voted to recommend approval of the Final Plat for Creekside Place Subdivision No. 1; and

WHEREAS, Council, also after hearing from various residents, city officials and engineers regarding the feasibility of developing the land in question, and relying on that information, voted on March 24, 2014, to pass Ordinance No. 31-14 to authorize the Final Plat and Subdivider's Agreement with Garland Griffin Homes, Inc. for the construction of improvements in Creekside Subdivision No. 1; and

WHEREAS, a severe rain event took place during the day on May 12th, through evening and into the early morning hours of May 13th causing flooding in the immediate area of the proposed Creekside subdivision and the surrounding neighborhood.

WHEREAS, it has been brought to the attention of City Council by various members of the City's Administration and by concerned citizens living in the vicinity of the proposed Creekside Subdivision that storm events like the one just suffered by most, if not all, the people living in the affected area, are significantly causing damage to property and threatening the health, safety and welfare of the citizens of Avon, to the effect that police, fire and emergency personnel cannot access flooded areas to provide assistance as expected and as may be required in such situations.

WHEREAS, as a result of these and other findings, Council for the City of Avon deems it in the best interests of the health, safety and welfare of all residents who reside in this area and residents of the City on a whole, to rescind their prior approval of Creekside Subdivision and prohibit the construction of any and all City improvements therein.

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

Ordinance No. 100-14 (Con't.)

Section 1 - This Council, having reconsidered all of the discussions at the various meetings held by Planning Commission and City Council, all the circumstances surrounding the adoption of Ordinance No. 31-14 by City Council and, most significantly, the statements of the City's Fire and Police Department representatives and the City's Service Director and Engineer, before and after the May 12-13, 2014 rain event, together with the graphic scenes of flooding that occurred in the area of this subdivision during that storm, finds that the facts and circumstances upon which passage of Ord. No. 31-14 was based to be flawed and hereby rescinds Ordinance No. 31-14, passed March 24, 2014 effective immediately.

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 necessity to rescind Ord. No. 31-14 authorizing the final plat and subdivider's agreement with Garland Griffin Homes, Inc. due to compelling health, safety and welfare concerns held by the City; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

Ordinance No. 100-14 (Con't.)

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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