

ORDINANCE NO. 119-14

**AN ORDINANCE TO AUTHORIZE THE FINAL PLAT
AND A SUBDIVIDER'S AGREEMENT FOR ARLINGTON PLACE NO. 11
AND DECLARING AN EMERGENCY**

WHEREAS, K. Hovnanian Oster Homes, LLC (hereinafter referred to as "Hovnanian") is the subdivider of a tract of land known as the Arlington Place Subdivision, a cluster subdivision located in the vicinity of Case and Detroit Roads in the City of Avon; and

WHEREAS, on September 17, 2014, by a vote of Five (5) in favor and Zero (0) opposed, the Planning Commission voted to recommend approval of the Final Plat for Arlington Place No. 11; and

WHEREAS, Council has had the opportunity to review the Final Plat and Subdivider's Agreement for Arlington Place No. 11 and has provided the Subdivider the opportunity to discuss same; and

WHEREAS, after discussion, review and further consideration, Council has deemed the Final Plat acceptable and appropriate and agrees to enter into a written Subdivider's Agreement to provide for construction of all improvements in Arlington Place No. 11.

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

Section 1 - The City of Avon hereby accepts the Final Plat for Arlington Place No. 11 and enters into a Subdivider's Agreement with K. Hovnanian Oster Homes, LLC, which is attached hereto as Exhibit A, for the completion of improvements in said Subdivision pursuant to plans and specifications approved by Planning Commission on September 17, 2014 and incorporated herein by reference.

Section 2 - The the Mayor and the President of Council are hereby authorized to sign said 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 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 final plat and subdivider's agreement with K. Hovnanian Oster Homes, LLC to enable them to begin construction of the improvements before the end of the current construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 119-14 (Con't.)

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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