

ORDINANCE NO. 4-13

**AN ORDINANCE AUTHORIZING AN EXTENSION OF TIME
WITHIN WHICH TO COMPLETE IMPROVEMENTS IN
PALMER VILLAGE SUBDIVISION NO. 5
AND DECLARING AN EMERGENCY**

WHEREAS, Council authorized the City to enter into a Subdivider's Agreement for the installation of improvements in Palmer Village Subdivision No. 5 with Palmer Village East, LLC on January 25, 2012 pursuant to Ordinance No. 120-11; and

WHEREAS, due to unforeseen events and through no fault of their own, the Subdivider was not able to install said improvements as per the twelve (12) month deadline of January 25, 2013, and hereby requests an extension of one (1) year to January 25, 2014 within which to complete said construction; and

WHEREAS, Council finds that it is in the best interest of the health, safety and welfare of the community to extend the time for installation of improvements to January 25, 2014.

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

Section 1 - That Council hereby agrees to extend the time within which to complete installation of improvements by Palmer Village East, LLC, for Palmer Village Subdivision No. 5 to January 25, 2014.

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 approve an extension of time within which to complete improvements in Palmer Village Subdivision No. 5; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

Ordinance No. 4-13 (Con't.)

DATE APPROVED BY THE MAYOR: _____

James A. Smith, 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