

ORDINANCE NO. 92-15

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN
AGREEMENT TO ADVANCE DESIGN COSTS WITH NWQ JAYCOX I-90, LLC
FOR THE FUTURE WIDENING OF CHESTER ROAD
EAST OF MENARDS/CABELAS TO JAYCOX ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, commercial growth between 35765 Chester Road and Jaycox Road is being planned by the City of Avon and developed by NWQ Jaycox I-90, LLC the owner of vast majority of all the real estate in the subject area; and

WHEREAS, said development will require new public infrastructure to be installed and the cost of said public improvements to be assessed to adjoining and benefited property owners; and

WHEREAS, NWQ Jaycox I-90, LLC, in anticipation of being assessed for the lion's share of the cost of this new infrastructure, has indicated a willingness to advance design costs (engineering) associated with these public improvements; and

WHEREAS, Council, aware of the ongoing negotiations between the parties, has had the opportunity to review the Agreement to Advance Design Costs and finds that it is fair and reasonable and deems it to be in the best interest of the health, safety and welfare of the citizens of Avon to enter into said agreement with NWQ Jaycox I-90, LLC.

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

Section 1 - That Council hereby authorizes the Mayor to enter into the Agreement to Advance Design Costs with NWQ Jaycox I-90, LLC to cover the cost of engineering to be performed by Chagrin Valley Engineering for the formulation of plans and specifications for the widening of Chester Road and all appurtenances thereto, a copy of which is attached hereto, marked as "Exhibit A" and incorporated herein by reference.

Section 2 - The Mayor and 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 Mayor to enter into the

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Agreement to Advance Design Costs with NWQ Jaycox I-90, LLC for the preparation of plans and specifications to construct all improvements to Chester Road between 35765 Chester Road and Jaycox 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 Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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