

ORDINANCE NO. 110-22

**AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT
WITH CONCORD VILLAGE PHASE THREE, LLC FOR THE
CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE CONCORD
VILLAGE NO. 3 SITE LOCATED ON CHESTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Concord Village Phase Three, LLC (hereinafter referred to as "Concord Village") is the owner of an approximately 8.3 acre parcel of land located on Chester Road in the City of Avon which is the site of the Concord Village No. 3 residential development; and

WHEREAS, in order to complete Concord Village No. 3, Concord Village must construct Public Improvements at the site, to wit: public water main to serve the property; and

WHEREAS, on August 17, 2022, Concord Village presented plans and specifications for the proposed Public Improvements in Concord Village No. 3 to the Planning Commission and by a vote of five (5) in favor and zero (0) opposed, Planning Commission made a conditional recommendation to Council to approve same; and

WHEREAS, Council has had the opportunity to review the Developer's Agreement with Concord Village and has provided the Developer the opportunity to discuss the proposed Developer's Agreement and plans for the installation of said Public Improvements; and

WHEREAS, after discussion, review and further consideration, Council has deemed it acceptable, appropriate and in the best interests of the health, safety and welfare of the citizens of Avon to enter into a written Developer's Agreement to provide for the construction of public improvements as set forth herein.

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

Section 1 - That the City of Avon hereby enters into a Developer's Agreement with Concord Village Phase Three, LLC for the construction of public water mains and all appurtenances thereto to serve Concord Village No. 3 located on Chester Road pursuant to plans and specifications contingently approved by Planning Commission on August 17, 2020 with final approval by the City Engineer on September 6, 2022. A copy of said Developer's Agreement 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 Developer's 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 City to enter into a Developer=s Agreement with Concord Village for the construction of Public Improvements in Concord Village No. 3 before the end of the 2022 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, 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:

Barbara J. Brooks, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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