

ORDINANCE NO. 101-23

AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT AND PERFORMANCE BOND WITH LIG LAND, LLC, FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE MIDDLETON CROSSING SITE LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS AND DECLARING AN EMERGENCY

WHEREAS, LIG LAND, LLC, (hereinafter referred to as "LIG Land") is the owner of an approximately 8.79 acre parcel of land located at the southwest corner of Middleton & Nagel Roads in the City of Avon which is the site of the Middleton Crossing commercial development; and

WHEREAS, in order to complete Middleton Crossing, LIG Land must construct Public Improvements at the site, to wit: roadwork, utility extension and related stormwater management to serve the property; and

WHEREAS, on March 21, 2023, LIG Land presented plans and specifications for the proposed Public Improvements in Middleton Crossing to the Planning Commission. On August 16, 2023 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, on August 29, 2023, the City Engineer completed his review thereby making the conditional approval final. Council has had the opportunity to review the Developer's Agreement with LIG Land 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 and Performance Bond with LIG Land, LLC in substantially the form as set forth in attached [Exhibit A, A-1](#) and [A-2](#) which is incorporated herein by this reference, for the construction of roadwork, utility extension and related stormwater management and all appurtenances thereto to serve Middleton Crossing located at the southwest corner of Middleton & Nagel Roads pursuant to plans and specifications contingently approved by Planning Commission on August 16, 2022 with final approval by the City Engineer on August 29, 2023.

Section 2 - The Mayor and President of Council are hereby authorized to sign said Developer's Agreement and Performance Bond on behalf of the City.

Ordinance No. 101-23 (Con't)

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 and Performance Bond with LIG Land LLC for the construction of Public Improvements in Middleton Crossing before the end of the 2023 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: _____
Electronically and at City Hall as
Provided by Council

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