

ORDINANCE NO. 2023-145

AN ORDINANCE REPEALING ORDINANCE NO. 2023-16 AND ACCEPTING THE FINAL PLAT FOR ANDREWS RIDGE SUBDIVISION PHASE 1, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2023-16 authorized by Council on February 7, 2023, accepted the final plat filed by George Davis III, Managing Member of Andrews Ridge, LLC, developer of Andrews Ridge Subdivision Phase 1; and

WHEREAS, subsequent to the approval and acceptance of the plat by Planning Commission and Council, and before recordation, the plat was changed to match the revised legal description; and

WHEREAS, the City of Willoughby Codified Ordinance Section 1109.07(c)(8) requires the resubmission of a plat to Planning Commission and Council if any modification is made after final approval; and

WHEREAS, the Planning Commission and the City Engineer have reviewed and approved the Final Plat of Andrews Ridge Subdivision Phase 1 and the City Engineer has further certified said approval; and

WHEREAS, the developer has offered certain streets, alleys, public grounds, and utility easements for dedication to public use, as shown and described on the Final Plat of Andrews Ridge Phase 1;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. That the Council of the City of Willoughby, Ohio, hereby accepts and approves the Final Plat for Phase 1 of Andrews Ridge Subdivision, and authorizes the recordation of the Final Plat upon receipt from the developer, in a form acceptable to the Director of Law of the City, of the following:

1. financial guarantee in the amount of no less than \$183,850.00 to guarantee the cost of the remaining improvements; and
2. developer's liability insurance policy which covers personal injury and property damage in the amount of \$2,000,000 per person and per occurrence.

SECTION 2. That with the acceptance of the Final Plat, certain streets, alleys, public grounds, and utility easements dedicated to public use, if any, as shown thereon, is hereby confirmed.

SECTION 3. That the Clerk of Council is hereby authorized and directed to cause the Final Plat to be recorded with the Lake County Recorder’s Office as provided by law upon receipt from the developer of the fees to be paid to effect such recording and upon delivery to the Clerk of Council of a statement of title guaranty for Andrews Ridge Phase 1 Subdivision, in the amount of \$10,000 issued by a title company and approved by the Director of Law showing title to the utility easements shown on the Final Plat to be good in the City of Willoughby, Ohio, free and clear of all encumbrances whatsoever as of the date and hour of the filing of the Final Plat for record. In the event it is more convenient, the Clerk of Council and the Director of Law may engage a title company to provide for the recording and, upon receipt of the title company’s charges for such service, obtain reimbursement from the developer.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to provide for the immediate commencement of the Andrews Ridge Phase 1 Subdivision, and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Passed: December 5, 2023 John Tomusell
Vice President of Council

Attest: Alison Nard
Clerk of Council

Date: 12/6/23 Approved: [Signature]
Mayor

Submitted to the Mayor for his approval on this 6th day of December, 2023.

Alison Nard
Clerk of Council