

ORDINANCE NO. 16-2016

Offered by: All of Council

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RICHFIELD FURNACE RUN ASSOCIATES, LLC AND WATER AND SEWER, LLC AND DECLARING AN EMERGENCY

WHEREAS, Richfield Furnace Run Associates, LLC (the "Developer") owns and is desirous of developing approximately 124 acres, located in Richfield Township adjacent to the existing Briarwood Development as a new subdivision of not more than 147 single-family units substantially in accordance with the preliminary development plan on file with the Village (the "Preliminary Development Plan"), with public water supplied by the City of Cleveland Division of Water and sanitary sewers supplied by the Village (the "New Briarwood Subdivision"); and

WHEREAS, the Village intends to construct a new sanitary sewer system consisting of a 7,000 foot force main and two pump stations ("Briarwood Sewer Extension"), which will connect the Village's public sanitary sewer main on Brecksville Road to the New Briarwood Subdivision, as well as to the existing Briarwood Development located within the Village and Richfield Township, which currently receives sanitary sewer service from Water and Sewer, LLC, a private entity and affiliate of the Developer; and

WHEREAS, Developer and Water and Sewer, LLC share common ownership and control; and

WHEREAS, Developer will request annexation of the New Briarwood Subdivision to the Village pursuant to the expedited procedures of Revised Code 709.023, so that the New Briarwood Subdivision, among other things, may be subject to assessment for the costs of the Briarwood Sewer Extension, together with other benefited properties, in accordance with the Village's assessment process; and

WHEREAS, Water and Sewer, LLC will file a petition for assessment and will donate its existing sanitary sewer collection facilities within the existing Briarwood Development to the Village so that those collection facilities can be connected to the Briarwood Sewer Extension, provided that other conditions within a Development Agreement between and among the parties have been satisfied, including completion of the above-referenced annexation, approval of the final development plan for the New Briarwood Subdivision (the "Final Development Plan") by the Village's Planning Commission, and approval by the Planning Commission and Council of the final plat of the New Briarwood Subdivision (the "Plat"); and

WHEREAS, the Planning Commission has recommended the execution of the Development Agreement; and

WHEREAS, Village Council finds that execution of this Agreement is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

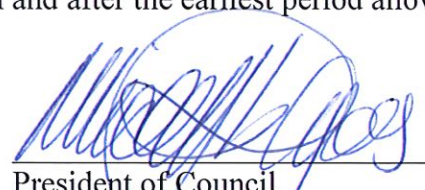
SECTION 1. That the Mayor and the Finance Director be, and they hereby are, authorized and directed to enter into a Development Agreement with Richfield Furnace Run Associates, LCC and its affiliate, Water and Sewer, LLC, substantially in accordance with the Development Agreement attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. That based upon the provisions of Ohio Revised Code Section 709.023 and the timetable for passage of Village Council legislation under that Revised Code section, this Council finds and determines that Chapter 1115 of the Codified Ordinances of the Village of Richfield does not apply and is waived with respect to the proposed annexation which is among the subjects of the Development Agreement.


SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to move forward with public infrastructure improvements and the provision of public sanitary sewer facilities to Village residents; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 12-15-2020

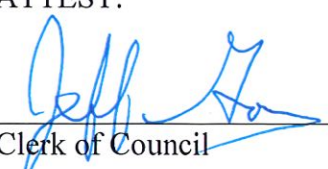


President of Council



Mayor

Dated: 12/15/2020

ATTEST:


Clerk of Council