

ORDINANCE NO. 50-24

AN ORDINANCE TO ACCEPT A PORTION OF THE PUBLIC IMPROVEMENTS CONSTRUCTED BY LIG LAND, LLC. (WATERLINE) AND ALL APPURTENANCES THERETO AT MIDDLETON CROSSING (1842 NAGEL ROAD) LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS AND DECLARING AN EMERGENCY

WHEREAS, the Developer, LIG Land, LLC., presented plans and specifications to Planning Commission on August 16, 2023 for the proposed public improvements at Middleton Crossing, a commercial development located on the southwest corner of Middleton & Nagel Roads; and

WHEREAS, Planning Commission by a vote of five (5) in favor and none (0) opposed recommended approval of said plans and specifications on August 16, 2023 and;

WHEREAS, City Council, by Ord. No. 101-23, passed September 18, 2023 adopted a Developer's Agreement for the construction of these improvements consisting of roadwork (additional lane on Nagel), utility extension (waterline) and related stormwater management measures and all appurtenances thereto; and

WHEREAS, the installation of the public waterline has been completed and the Developer is requesting acceptance of said waterline and all appurtenances thereto so that its anchor tenant can continue to construct its facility at 1846 Nagel Road (southwest corner of Middleton & Nagel Road); and

WHEREAS, said waterline and all appurtenances thereto have been inspected by the City's Engineer or his designee, who has certified that said improvements were constructed in accordance with the terms set forth in the Developer's Agreement and in conformance with City Development Regulations; and

WHEREAS, Council finds that acceptance of the public waterline and all appurtenances thereto to be in the best interests of the health, safety, and welfare of the Community and all the citizens of Avon.

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

Section 1 - That the City of Avon, Lorain County, Ohio, hereby accepts dedication of the public improvements, to wit: a waterline and all appurtenances thereto, which were constructed and/or installed by LIG Land, LLC at or in the vicinity of 1846 Nagel Road (the southwest corner of Middleton & Nagel Roads) but subject to the Developer meeting the conditions set forth in Section 3, below.

Section 2 – That all remaining construction/installation of roadwork, related stormwater management and all appurtenances thereto specifically contained in the Developer's Agreement have not been completed and will not be approved until completion and inspection.

Section 3 - The City's acceptance of dedication of the waterline and all appurtenances thereto (public improvements) herein are contingent upon the Developer providing the City with the following: (1) a Three (3) Year Maintenance Bond or similar Financial Guarantee for said improvements in the amount of Seven Thousand Four Hundred Ninety-Four and 53/100 (\$7,494.53) Dollars and (2) a cash deposit in the sum of Five Thousand and 00/100 (\$5,000.00) Dollars to cover miscellaneous costs incurred by the City relating to the public waterline construction. Upon compliance with all the requirements set forth herein, the Finance Director shall release the Performance Bond in whatever form posted by the Developer for this project.

Section 4 - Upon recommendation of the Law Director and the City Engineer, the Finance Director shall authorize the release of all or part of deposits for legal and engineering fees set forth in the Developer's Agreement, but only for that portion attributed to the construction/installation of the waterline.

Section 5 - 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 6 - 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 accept the public improvements, to wit: public waterline and appurtenances thereto constructed in the vicinity of the southwest corner of Middleton and Nagel Roads by the Developer, LIG Land, LLC.; therefore, this Ordinance shall be in full force and effect immediately upon its passage 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

Ordinance No. 50-24 (Con=t)

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