

ORDINANCE NO. 31-25

AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED BY NCC CONSTRUCTION LLC FOR THE INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC SANITARY SEWER AND ALL APPURTENANCES THERETO AND DECLARING AN EMERGENCY

WHEREAS, NCC Construction LLC installed/constructed public utilities, namely, a public sanitary sewer and all appurtenances thereto in the vicinity of 37779 Chester Road (Hunter International) per a Developer's Agreement entered into with the City on September 27, 2021 (Ord. No. 76-21); and

WHEREAS, said improvements were installed and inspected on January 24, 2022 and certified as being constructed in accordance with the terms set forth in the Developer's Agreement and in conformance with City Development Regulations; and

WHEREAS, on February 5, 2025, the owner recorded easements over its property containing the public utility and the Administration now recommends acceptance of the sanitary sewer as a public utility; and

WHEREAS, Council finds that acceptance of the public sanitary sewer and all appurtenances thereto to be in the best interests of the health, safety, and welfare of the City 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, viz. a sanitary sewer, constructed by NCC Construction LLC in the vicinity of 37779 Chester Road. Said public improvement and all appurtenances thereto will service Hunter International and other properties just to the east of that location.

Section 2 – With the City's acceptance of dedication of the public improvements and the recording of easements for access to same, the Finance Director shall release the Performance Bond in whatever form posted by the Developer for this project. In addition, after consulting with the City Engineer and Law Director, the Finance Director shall release any deposits that remain on account per the Developer's Agreement.

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

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Avon, the immediate emergency being the necessity to accept improvements constructed by NCC Construction LLC, in the vicinity of 37779 Chester Road; 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
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