

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

Ordinance No. 31-25 (Con't.)

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: April 14, 2025

DATE SIGNED: April 14, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: April 15, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Barbara J. Brooks, Clerk of Council

POSTED: April 16, 2025
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 31-25, passed by the Council of said City on April 14, 2025.

IN WITNESS WHEREOF, I have on this 15th day of April 2025, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio