

ORDINANCE NO. 71-25

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN
AUTUMN GROVE SUBDIVISION
AND DECLARING AN EMERGENCY**

WHEREAS, the Subdivider has constructed the improvements in Autumn Grove Subdivision; and

WHEREAS, improvements have been inspected by the City Engineer or his designee, who has certified that said improvements have been constructed in accordance with the terms set forth in the Subdivider's Agreement and conform to all City laws and regulations.

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 improvements constructed by Garland New Homes, Inc., to be designated as Autumn Grove Subdivision, subject to the Subdivider meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of improvements herein is contingent upon the Subdivider providing the City with the following: (1) A Three (3) Year Maintenance Bond or similar Financial Guarantee for said improvements in the amount of **One Hundred Nine Thousand Eighty-Five and 64/100 Dollars (\$109,085.64)**; (2) a cash deposit in the amount of **One Hundred Eight Thousand Eight Hundred Fifty-Five and 00/100 Dollars (\$108,855.00)** as a financial guarantee for the installation of sidewalks within the Subdivision pursuant to the Subdivider's Agreement and City Ordinance; (3) a cash deposit in the amount of **Five Thousand Five Hundred and 00/100 Dollars (\$5,500.00)** which represents the cost of planting the required trees in the Subdivision; (4) a cash deposit in the amount of **One Thousand 00/100 Dollars (\$1,000.00)** which represents cost of putting up traffic control devices within the Subdivision; (5) a cash deposit in the sum of **Five Thousand and 00/100 Dollars (\$5,000.00)** to cover miscellaneous costs incurred by the City relating to this Subdivision; (6) a payment of **Sixteen Thousand, Forty-Two and 67/100 Dollars (\$16,042.67)** to the Stormwater Drainage Improvement Fund and (7) a deposit of **Fifteen Thousand and 00/100 Dollars (\$15,000.00)** for outstanding items that have not been completed by the Subdivider to date (See, attached Exhibit A, which is incorporated herein by this reference.) Upon compliance with all the requirements set forth in 1 through 7 herein, the Finance Director shall release the Performance Bond in whatever form posted by the Subdivider for this project.

Section 3 - 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 Subdivider's Agreement.

Section 4 - 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 5 - 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 improvements constructed by Garland New Homes, Inc. to be designated as Autumn Grove Subdivision as soon as practicable so that new home construction can begin early before the end of the current construction season; 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