

ORDINANCE NO. 104-25

AN ORDINANCE TO ACCEPT THE PUBLIC IMPROVEMENTS CONSTRUCTED BY ODG AVON I, LLC TO WIT: A ONE THOUSAND FOOT EXTENSION OF AVON COMMERCE PARKWAY FROM ITS CURRENT EASTERN TERMINUS, AND DECLARING AN EMERGENCY

WHEREAS, ODG AVON I, LLC (hereinafter referred to as “ODG”) has constructed public improvements on Avon Commerce Parkway consisting of a ~1,000 foot extension of Avon Commerce Parkway from its current eastern terminus; and

WHEREAS, improvements have been inspected by the City’s Engineer, who has certified that said improvements have been 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 these public improvements 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 Council for the City of Avon, Lorain County, Ohio, hereby accepts the public improvements, viz., a ~1,000 foot extension of Avon Commerce Parkway from its current eastern terminus, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 – That the City’s acceptance of dedication of the public improvements herein is contingent upon ODG AVON I, LLC providing the City with the following: (1) a Three (3) Year Maintenance Bond in the amount of Fifty-Two Thousand Six Hundred Twenty-Two and 95/100 (\$52,622.95) Dollars; (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 roadway construction; (3) a payment of Twenty Five Thousand Nine Hundred Two and 61/100 (\$25,902.61) Dollars for the Stormwater Drainage Improvement Fee; and (4) Developer agrees to provide the City with proof of One Million and 00/100 Dollars (\$1,000,000.00) indemnification and liability insurance coverage naming the City of Avon as additional insured and shall not allow this insurance to expire earlier than the effective period of the maintenance bond.

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 Developer’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 the public improvements on Avon Commerce Parkway as soon as possible to allow for public utilization of the roadway; 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

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

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