

**ORDINANCE NO. 114-25**

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN THE VILLAS AT NAGEL FARMS, FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC WATER, SANITARY SEWER MAINS AND APPURTENANCES THERETO AND DECLARING AN EMERGENCY**

**WHEREAS**, LDC Middleton II LLC has installed/constructed public utilities to include public water and sanitary sewer mains, along with all appurtenances thereto in the Villas of Nagel Farms project; and

**WHEREAS**, said improvements have been inspected by the City's Engineer or his designee, 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 the public water and sanitary sewer mains and all appurtenances thereto in this development 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 improvements constructed by LDC Middleton II LLC in Villas of Nagel Farms development, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of improvements herein is 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 Seventy Thousand Five Hundred Eighty-Three and 65/100 (\$70,583.65) 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 this Subdivision; (3) a cash deposit in the sum of Fourteen Thousand Eight Hundred Twenty and 00/100 (\$14,820.00) Dollars for the construction/installation of sidewalks; (4) a cash deposit of Nine Thousand Two Hundred Eighty and 00/100 (\$9,280.00) Dollars for the placement of street and traffic control signage and pavement markings; and (5) a payment of Twelve Thousand One Hundred Fifty-Six and 89/100 (\$12,156.89) Dollars for the Stormwater Drainage Improvement Fund. 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 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 improvements constructed by LDC Middleton II LLC, in the residential development known as Villas at Nagel Farm; 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