

ORDINANCE NO. 21-26

AN ORDINANCE TO ACCEPT IMPROVEMENTS IN THE VILLAS AT CHESTER COMMONS FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC UTILITIES AND APPURTENANCES THERETO AND DECLARING AN EMERGENCY

WHEREAS, Chester Road Partners, LLC has installed/constructed public utilities to include public water, storm sewers and sanitary sewer mains, along with all appurtenances thereto in the Villas of Chester Commons 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, storm sewer 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 all public improvements and appurtenances thereto constructed by Chester Road Partners, LLC in and around the Villas of Chester Commons 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 One Hundred, Eighty-Six Thousand Three Hundred Twenty-Five and 30/100 (\$186,325.30) 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 Forty-Seven Thousand Four Hundred Sixty and 00/100 (\$47,460.00) Dollars for the construction/installation of sidewalks; (4) a payment of Twenty-Two Thousand Three Hundred Thirty and 39/100 (\$22,330.39) Dollars for the Stormwater Drainage Improvement Fund; and Four Thousand, Eight Hundred Eighty (\$4,880) Dollars for the Land Disturbance Fee. 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 is authorized to the release of all or part of any remaining 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 and all appurtenances thereto constructed by Chester Road Partners, LLC, in the residential development known as Villas at Chester Commons; 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