

ORDINANCE NO. 57-26

**AN ORDINANCE TO ACCEPT IMPROVEMENTS LOCATED BETWEEN
GLENDENNING AND STONEY RIDGE ROAD,
AND CONSTRUCTED BY CENTRAL SOUTH, LTD.
AND DECLARING AN EMERGENCY**

WHEREAS, Central South, Ltd. (hereinafter referred to as “Central”) has constructed Public Improvements, to wit: a public sanitary sewer and all appurtenances thereto, within a dedicated city utility easement to serve these properties located between Glendenning and Stoney Ridge Road; and

WHEREAS, said 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 Developer’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 Central South, Ltd., to wit: a public sanitary sewer and all appurtenances thereto, within a dedicated city utility easement to serve these properties located between Glendenning and Stoney Ridge Road, 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 Eleven Thousand Three Hundred Seventy-One Dollars and 50/100 Cents (\$11,371.50); (2) a cash deposit in the amount of Twelve Thousand and 00/100 (\$12,000.00) Dollars as a financial guarantee for the installation of sidewalks within the Development pursuant to the Developer’s Agreement and City Ordinance; and (3) a cash deposit in the sum of Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars to cover miscellaneous costs incurred by the City relating to this Development; Upon compliance with all the requirements set forth in 1 through 3, above, 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 Central South, Ltd. and located between Glendenning and Stoney Ridge Road as soon as practicable so that new home construction can begin early in the 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