

ORDINANCE NO. 106-14

**AN ORDINANCE TO ACCEPT WATERLINE AND IMPROVEMENTS BETWEEN
MAIN STREET AND CENTER ROAD (ROUTE 76 & CHESTER, NW, LLC)
AND DECLARING AN EMERGENCY**

WHEREAS, the owner, Route 76 & Chester, NW, LLC, has constructed a waterline and other improvements appurtenant thereto between Main Street and Center Road; and

WHEREAS, said 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.

**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 waterline improvements and appurtenances thereto constructed by the Developer, Route 76 & Chester, NW, LLC, between Main Street and Center Road, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the sanitary sewer 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 Five Thousand Seven Hundred and 00/100 (\$5,700.00) Dollars; (2) a cash deposit in the sum of Two Thousand and 00/100 (\$2,000.00) Dollars to cover miscellaneous costs incurred by the City relating to this Development. Upon compliance with all the requirements set forth herein, the Finance Director shall authorize the Developer's lending institution to release the acquisition and development escrow account.

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 waterline improvements between Main Street and Center Road constructed by Route 76 & Chester, NW, LLC to allow for

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commercial businesses to occupy their premises; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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