

ORDINANCE NO. 139-14

AN ORDINANCE TO ACCEPT IMPROVEMENTS INSTALLED BY AVON 83, LLC ON PROPERTY LOCATED BETWEEN 35682 AND 35514 DETROIT ROAD (The MarketPlace in Avon) AND DECLARING AN EMERGENCY

WHEREAS, Avon 83, LLC, the owner of property located between 35682 and 35514 Detroit Road, has constructed sanitary sewer line and waterline on said site; 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; and

WHEREAS, Council finds it to be in the best interests of the health, safety and welfare of the citizens of Avon to accept this improvement without further delay.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the City of Avon hereby accepts dedication of the sanitary sewer line and waterline improvements and appurtenances thereto constructed by the Developer, Avon 83, LLC and known as "The MarketPlace in Avon" located between 35682 and 35514 Detroit 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 line and waterline 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 Four Thousand Eight Hundred Two and 00/100 (\$4,802.00); (2) a cash deposit in the sum of Two Thousand and 00/100 Dollars (\$2,000.00) to cover miscellaneous costs incurred by the City relating to this Development; and (3) a Storm Water Drainage Fund Fee (Fund No. 273), with the Finance Director, in the amount of Five Hundred Sixty Three Dollars and 41/100 Cents (\$563.41), in accordance with ACO §1050.193. 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.

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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, Ohio; the immediate emergency being the necessity to accept existing sanitary sewer and waterline at the site known as "The MarketPlace in Avon" located between 35682 and 35514 Detroit Road; 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