

ORDINANCE NO. 138-13

**AN ORDINANCE TO ACCEPT IMPROVEMENTS INSTALLED BY
36000 WESTMINISTER ROAD, LLC, AT THE SOUTHWEST
CORNER OF SR 83 AND SR 254 (KEY BANK SITE)
AND DECLARING AN EMERGENCY**

WHEREAS, the owner, 36000 Westminister Road, LLC, developer of the Key Bank site, has constructed improvements to the City's retention basin near the Southwest corner of SR 83 and SR 254 to facilitate stormwater drainage from that 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, Lorain County, Ohio, hereby accepts dedication of stormwater improvements constructed by the Developer, 36000 Westminister Road, LLC. Said improvements increased the storage capacity of the City's retention basin located between 36149 and 36019 Detroit Road, near the Southwest corner of SR 83 and SR 254. Said acceptance is subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the stormwater drainage improvements herein is contingent upon the Developer providing the City with the following: (1) Storm Water Drainage Fund Deposit (Fund No. 273), with the Finance Director, in the amount of Eight Hundred Six Dollars and 00/100, (650 x 1.24 acres), in accordance with ACO §1050.193; and (2) a cash deposit in the sum of One Thousand and 00/100 (\$1,000.00) 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.

Ordinance No. 138-13 (Con't)

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 stormwater drainage improvements located between 36149 and 36019 Detroit Road (adjacent to the Key Bank site) near the Southwest corner of SR 83 and SR 254, constructed by 36000 Westminister Road, LLC; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

APPROVED BY THE MAYOR: _____

William D. Logan, Acting 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