

ORDINANCE NO. 132-15

**AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED
BY NWQ JAYCOX I-90, LLC ON CHESTER ROAD IN THE VICINITY OF
35765 AND 35525 CHESTER ROAD (UTILITIES ONLY)
AND DECLARING AN EMERGENCY**

WHEREAS, the owner, NWQ Jaycox I-90, LLC, (hereinafter referred to as “NWQ”) has constructed/installed utilities in, under and alongside Chester Road in the vicinity of 35765 and 35525 Chester Road; and

WHEREAS, NWQ now seeks to have the City accept these utilities as public improvements; 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 the public utilities installed/constructed by the Developer, NWQ Jaycox I-90, LLC in the public right-of-way and adjacent to property it owns between 35765 and 35525 Chester Road, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City’s acceptance of dedication of the public utilities 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 Twenty Five Thousand Seven Hundred Thirty Eight and 00/100 (\$25,738.00) Dollars. 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 the public utilities improvements

Ordinance No. 132-15 (Con't)

constructed by the Developer, NWQ Jaycox I-90, LLC in the public right-of-way adjacent to property it owns between 35765 and 35525 Chester 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