

ORDINANCE NO. 140-15

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN
AVONDALE SUBDIVISION NO. 1 AND KENWYN SUBDIVISION NO. 2
(THE NORTH LONG ROAD EXTENSION)
AND DECLARING AN EMERGENCY**

WHEREAS, the owner has constructed the improvements in Avondale Subdivision No. 1 and in Kenwyn Subdivision No. 2 (the North Long Road Extension); and

WHEREAS, said improvements have been inspected by the City's Consulting Engineer, who has certified that said improvements have been constructed in accordance with the terms set forth in the Subdivider's Agreement and in conformance with City Subdivider 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 AV Associates, L.P., an Ohio Limited Partnership, to be designated as "Avondale Subdivision No. 1" and Kenwyn Subdivision No. 2 (a.k.a. North Long Road Extension), subject to the Subdivider meeting all conditions set forth in Section 2, below.

Section 2 - The City's acceptance of dedication of improvements herein is contingent upon the Subdivider providing the City with the following: (1) A Three (3) Year Maintenance Bond or similar Financial Guarantee for said improvements in Avondale Subdivision No. 1 in the amount of One Hundred Thirty Three Thousand Nine Hundred Fifty-Six and 93/100 (\$133,956.93) Dollars; (2) a One (1) Year Maintenance Bond or similar Financial Guarantee in the amount of Four Thousand Eighty-Seven Dollars and 75/100 Cents (\$4,087.75); (3) a cash deposit in the amount of One Hundred and Thirty Thousand Five Hundred (\$130,500.00) Dollars as a financial guarantee for the installation of sidewalks within the Subdivision pursuant to the Subdivider's Agreement and City Ordinance; (4) a cash deposit in the amount of Eleven Thousand Two Hundred Seventy-Five and 00/100 (\$11,275.00) Dollars which represents the cost of planting the required trees in the Subdivision; (5) a cash deposit in the amount of Two Thousand Fifty and 00/100 (\$2,050.00) Dollars which represents cost of putting up traffic control devices within the Subdivision; (6) a cash deposit in the sum of Five Thousand and 00/100 (\$5,000.00) Dollars to cover miscellaneous costs incurred by the City relating to this Subdivision; and (6) a payment of Twenty-Five Thousand One Hundred One and 34/100 (\$25,101.34) Dollars for the Stormwater Drainage Improvement Fund. Upon compliance with all the requirements set forth herein, the Finance Director shall authorize the Subdivider's lending institution to release the acquisition and development escrow account.

Section 3 - The City's acceptance of dedication of improvements herein is contingent upon the Subdivider providing the City with a Bond or similar Financial Guarantee to assure that the three (3) storm water management basins constructed within the Avondale Subdivision No.1 are drained and dredged as stipulated within the approved subdivision improvement plans. The amount of the Bond or similar Financial Guarantee shall be Forty Six Thousand Five Hundred Dollars and Zero Cents (\$46,500.00) as estimated by the Subdivider's Engineer and reviewed and approved by the City Engineer. Said draining and dredging shall occur at such time as either

the contributing homes sites within the Avondale Subdivision associated with each basin have been eighty percent (80%) built out; at a point where the access to a storm water management basin will be compromised by home construction; or before the date certain of three (3) years after the passage of this legislation by the Avon City Council. The draining and dredging of the three (3) storm water management basins shall be completed according to a specific plan or plans presented to and approved by the City Engineer, whose approval shall not unreasonably be withheld. Dredged materials shall be disposed of in a manner which complies with applicable Ohio Environmental Protection Agency regulations and the City of Avon, Ohio Codified Ordinances.

Section 4 - 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 Subdivider's Agreement.

Section 5 - 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 6 - 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 AV Associates, L.P., an Ohio Limited Partnership, to be designated as "Avondale Subdivision No. 1" and Kenwyn Subdivision No. 2 – North Long Road Extension);" 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