

ORDINANCE NO. 63-16

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN
ORCHARD TRAIL SUBDIVISION NO. 6
AND DECLARING AN EMERGENCY**

WHEREAS, the owner has constructed the improvements in Orchard Trail Subdivision No. 6; 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 Orchard Trail Development Group, LLC, to be designated as Orchard Trail Subdivision No. 6, 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 the amount of Seventy Six Thousand Eight Hundred Seventy Nine and 00/100 (\$76,879.00) Dollars; (2) a cash deposit in the amount of Thirty Five Thousand Three Hundred Eighty Eight and 00/100 (\$35,388.75) Dollars as a financial guarantee for the installation of sidewalks within the Subdivision pursuant to the Subdivider's Agreement and City Ordinance; (3) a cash deposit in the amount of Nine Thousand Seventy Five and 00/100 (\$9,075.00) Dollars which represents the cost of planting the required trees in the Subdivision; (4) 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; (5) a cash deposit in the amount of One Thousand Six Hundred Fifty and 00/100 (\$1,650.00) which represents the cost of traffic control signage and pavement markings in the Subdivision; and (6) a payment of Nine Thousand One Hundred Twenty Four and 35/100 (\$9,124.35) Dollars for the Stormwater Drainage Improvement Fund; (7) Subdivider shall complete the drainage improvements in Orchard Trail Phases 5 and 6 as depicted on the drawing marked as Exhibit A and attached hereto that has been agreed to by Subdivider and the City; (8) a cash deposit in the amount of \$47,225.00 to guarantee the removal of an excess soil stockpile located within and associated with Orchard Trail No. 6; and (9) a cash deposit of \$22,365.00 which represents the cost to install a woodchip pedestrian path as depicted on approved subdivision plans at various locations within Orchard Trail Phases 5 and 6. 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 - 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 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 improvements constructed by Orchard Trail Development Group, LLC, to be designated as Orchard Trail Subdivision No. 6; 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
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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