

ORDINANCE NO. 68-17

AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED BY DISCOUNT DRUG MART INC. FOR THE EXTENSION OF A SANITARY SEWER ON THE EAST SIDE OF NAGEL ROAD FROM MIDDLETON ROAD SOUTH TO DETROIT ROAD AND DECLARING AN EMERGENCY

WHEREAS, the Developer, Discount Drug Mart, Inc., has constructed a sanitary sewer along the east side of Nagel from Middleton Road South to Detroit Road in a publicly dedicated easement; and

WHEREAS, said improvement and all appurtenances thereto 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.

WHEREAS, Council finds that acceptance of this sanitary sewer and all appurtenances thereto is in the best interests of the Community and promotes the health, safety and welfare of the citizens of Avon.

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 improvement, viz., the sanitary sewer and all appurtenances thereto constructed along the east side of Nagel from Middleton Road South to Detroit Road by the Developer, Discount Drug Mart, Inc., 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 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 Thirty Two Thousand Seven Hundred Twenty Four and 00/100 (\$32,724.00) Dollars; (2) a cash deposit in the amount of Three Thousand Three Hundred and 00/100 (\$3,300.00) Dollars as a financial guarantee for the installation of sidewalks pursuant to the Developer's Agreement and City Ordinance; (3) pursuant to Paragraph 16 of the Developer's Agreement, a cash payment in the amount of Seventy Six Thousand, Six Hundred and Forty Six and 00/100 (\$76,646.00) Dollars to the City to cover the future cost associated with the extension of sanitary sewers on the south side of the street at the intersection of Detroit and Nagel Roads; and (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 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.

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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 sanitary sewer constructed along the east side of Nagel from Middleton Road South to Detroit Road by the Developer, Discount Drug Mart, Inc.; 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:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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