

ORDINANCE NO. 126-19

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN CONCORD VILLAGE NO. 2,
SUB-PHASE 1, FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC
UTILITIES CONSISTING OF PUBLIC WATER, SANITARY
SEWER MAINS AND APPURTENANCES THERETO
AND DECLARING AN EMERGENCY**

WHEREAS, JAF Acquisitions, LLC and Concord Village Phase Two, LLC have installed/constructed public utilities in Sub-Phase 1 to include public water and sanitary sewer mains, along with all appurtenances thereto in the Concord Village No. 2 project; and

WHEREAS, said improvements have been inspected by the City's Engineer or his designee, 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 that acceptance of the public water and sanitary sewer mains and all appurtenances thereto in this Sub-phase 1 to be in the best interests of the health, safety and welfare of the City 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 dedication of the improvements constructed by JAF Acquisitions, LLC and Concord Village Phase Two, LLC, in Concord Village No. 2, Sub-Phase 1, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of 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 Four Thousand Thirty Seven and 00/100 (\$24,037.00) Dollars; (2) a cash deposit in the sum of Three Thousand Seven Hundred Fifty and 00/100 (\$3,750.00) Dollars (75% of the required \$5,000) to cover miscellaneous costs incurred by the City relating to this Subdivision; (3) a payment of Ten Thousand Eight Hundred Sixty Two and 00/100 (\$10,862.00) Dollars for the Stormwater Drainage Improvement Fund. Upon compliance with all the requirements set forth herein, the Finance Director shall release the Performance Bond in whatever form posted by the Developer for this project.

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

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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 JAF Acquisitions, LLC and Concord Village Phase Two, LLC, to be designated as Concord Village No. 2, Sub-Phase 1; 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