

ORDINANCE NO. 10-20

**AN ORDINANCE TO ACCEPT IMPROVEMENTS
IN MCINTOSH FARMS SUBDIVISION NO. 2
AND DECLARING AN EMERGENCY**

WHEREAS, the Subdivider has constructed the improvements in McIntosh Farms Subdivision No. 2; 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 Subdivider's Agreement and conform to all City laws and 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 McIntosh Farms Development Group, LLC, to be designated as McIntosh Farms Subdivision No. 2, 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 Eighty One Thousand Eight Hundred Sixty Two and 09/100 (\$81,862.09) Dollars; (2) a cash deposit in the amount of Forty Seven Thousand Five Hundred Twenty Three and 75/100 (\$47, 523.75) 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 Eight Thousand Five Hundred Twenty Five and 00/100 (\$8,525.00) Dollars which represents the cost of planting the required trees in the Subdivision; (4) a cash deposit in the amount of One Thousand Five Hundred Fifty and 00/100 (\$1,550.00) Dollars which represents cost of putting up traffic control devices within the Subdivision; (5) 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 Thirteen Thousand Five Hundred Thirty Two and 84/100 (\$13,532.84) Dollars for the Stormwater Drainage Improvement Fund. In addition, the Subdivider agrees to allow the City to retain \$20,000 of the \$29,802 cash deposit, currently being held pursuant to Ord. No. 109-17, Section 2, items 7 and 8, until completion of open space block grading on the north side of Woodland Trail per the attached grading plan. In the event the project is not completed within one (1) year of the date of passage of this ordinance, the City is authorized to use these (\$20,000) funds to complete said project. Upon compliance with all the requirements set forth in 1 through 6 herein, the Finance Director shall release the Performance Bond in whatever form posted by the Subdivider 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 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 McIntosh Farms Development Group, LLC, to be designated as McIntosh Farms Subdivision No. 2; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, 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