

ORDINANCE NO. 84-20

**AN ORDINANCE TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY
SPEEDWAY, LLC AT STATE ROUTE 611 AND RECREATION LANE
AND DECLARING AN EMERGENCY**

WHEREAS, Speedway, LLC., has installed/constructed various public improvements, along Recreation Lane, up to and including the intersection of St. Rt. 611; and

WHEREAS, these improvements consist of the removal of existing pavement, construction of a new roadway to accommodate tractor-trailer traffic, upgrading existing mechanical traffic control devices, and new pavement markings; and

WHEREAS, said improvements 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; and

WHEREAS, Council finds that acceptance of the public improvements and all appurtenances thereto 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 Council for the City of Avon, Lorain County, Ohio, hereby accepts the installation/construction of various public improvements along Recreation Lane, up to and including the intersection of St. Rt. 611, said improvements consisting of the removal of existing pavement, construction of a new roadway to accommodate tractor-trailer traffic, upgrading existing mechanical traffic control devices, and new pavement markings but subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the public improvements herein is contingent upon Speedway, LLC providing the City with the following: (1) 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; and (2) a maintenance bond in the amount of Fifty Nine Thousand Five Hundred Thirty Nine and 00/100 (\$59,539.00) Dollars. Upon compliance with all the requirements set forth herein, the Finance Director shall authorize the Developer=s Performance Bond, in whatever form it was posted, to be released.

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 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 installation/construction of various public improvements along Recreation Lane, up to and including the intersection of St. Rt. 611 as set forth above; 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

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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