

ORDINANCE NO. 76-22

AN ORDINANCE TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY MERIDIAN CONSTRUCTION & DESIGN, INC., LOCATED IN THE RIGHT OF WAY ACROSS THE FRONTAGE AT 31880 MILLS ROAD AND DECLARING AN EMERGENCY

WHEREAS, Meridian Construction & Design, Inc., has installed/constructed public improvements in the right of way across the frontage at 31880 Mills Road in the City of Avon; and

WHEREAS, these improvements consist of the installation and dedication of a storm sewer extension within the City's right of way across the frontage at 31880 Mills Road; and

WHEREAS, due to the location of the storm sewer extension, and the size of the pipes required for same, the City has agreed to reimburse the Developer for a portion of the cost of the storm sewer extension improvements; 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 and dedication of a storm sewer extension within the City's right of way across the frontage at 31880 Mills Road, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 – That the City's acceptance of dedication of the public improvements herein is contingent upon Meridian Construction & Design, Inc., providing the City with the following: (1) a cash deposit in the sum of Five Hundred and 00/100 (\$500.00) Dollars to cover miscellaneous costs incurred by the City relating to this Development; and (2) a maintenance bond in the amount of Two Thousand Fifty Dollars and 00/100 (\$2,050.00).

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 and dedication of a storm sewer extension within the City's right of way across the frontage at 31880 Mills Road, 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: _____
Anthony Moore, Council President Pro Tem

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