

ORDINANCE NO. 13-24

AN ORDINANCE TO ACCEPT IMPROVEMENTS IN CONCORD VILLAGE NO. 3, FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC WATERLINE AND ALL APPURTENANCES THERETO AND DECLARING AN EMERGENCY

WHEREAS, Concord Village Phase Three, LLC has installed/constructed public utilities, namely, a public waterline and all appurtenances thereto in the Concord Village No. 3 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 waterline and all appurtenances thereto in this Phase 3 of Concord Village 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 Concord Village Phase Three, LLC in Concord Village No. 3, to wit: A public waterline, but 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, Seven Hundred and Eighty-One Dollars and 70/100 Cents (\$24,781.70); (2) a cash deposit in the sum of Five Thousand Dollars and 00/100 Cents (\$5,000.00) to cover miscellaneous costs incurred by the City relating to this Subdivision and (3) a cash payment of Seven Thousand, Three Hundred, Eighty-Nine Dollars and 24/100 Cents to cover the Stormwater Drainage Improvement Fee. 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 Council, and that all deliberations of this Council and of any of its committees that resulted in

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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 Concord Village Phase Three, LLC, in Concord Village No. 3; 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: _____
Electronically and at City Hall as
Provided by Council

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