

ORDINANCE NO. 40-25

AN ORDINANCE TO ACCEPT IMPROVEMENTS IN NAGEL FARMS SUBDIVISION AND DECLARING AN EMERGENCY

WHEREAS, the Subdivider has constructed the improvements in Nagel Farms Subdivision; and

WHEREAS, improvements have been inspected by the City 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 Liberty Development Company, to be designated as Nagel Farms Subdivision, 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 **Two Hundred Fifty-Eight Thousand Nine Hundred Three Dollars and 80/100 Cents (\$258,903.80)**; (2) a cash deposit in the amount of **Two Hundred One Thousand Three Hundred Six Dollars and 00/100 Cents (\$201,306.00)** 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 **Nine Thousand Nine Hundred Dollars and 00/100 Cents (\$9,900.00)** which represents the cost of planting the required trees in the Subdivision; (4) a cash deposit in the amount of **Five Thousand Three Hundred Thirty-Five Dollars 00/100 Cents (\$5,335.00)** which represents cost of putting up traffic control devices within the Subdivision; (5) 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 (6) a payment of **Twenty-Two Thousand, One Hundred-Eighty Nine Dollars and 24/100 Cents (\$22,189.24)** to the Stormwater Drainage Improvement Fund. 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.

Ordinance No. 40-25 (Cont.)

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 Liberty Development Company to be designated as Nagel Farms Subdivision as soon as practicable so that new home construction can begin early in the construction season; 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