

ORDINANCE NO. 109-17

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN
McINTOSH FARMS SUBDIVISION NO. 1
AND DECLARING AN EMERGENCY**

WHEREAS, the subdivider has completed the construction the improvements in McIntosh Farms Subdivision No. 1; 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 in conformance with all City laws and regulations.

WHEREAS, Council deems it to be in the best interest of the health, safety and welfare of the citizens of Avon that it approve the Final Plat for McIntosh Farms Subdivision No. 1 and accept the public improvements constructed therein.

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 approves the Final Plat and accepts the improvements constructed by McIntosh Farms Development Group, LLC., in McIntosh Farms Subdivision No. 1, 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 One Hundred Twenty One Thousand Four Hundred Ninety Nine and 00/100 (\$121,499.00) Dollars; (2) a cash deposit in the amount of Seventy Two Thousand Five Hundred Thirty One and 25/100 (\$72,531.25) 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 Eight Hundred Fifty and 00/100 (\$8,800.00) Dollars which represents the cost of planting the required trees in the Subdivision; (4) a cash deposit in the amount of One Thousand Six Hundred and 00/100 (\$1,600.00) 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; (6) a payment of Sixteen Thousand Sixty Eight and 27/100 (\$16,068.27) Dollars for the Stormwater Drainage Improvement Fund; (7) a cash deposit in the amount of Eighteen Thousand and 00/100 (\$18,000.00) Dollars as Subdivider's contribution to the cost of re-paving Moon Road in the vicinity of McIntosh Farms Subdivision intersection (150% of \$12,000); 8) a cash deposit in the amount of Eleven Thousand, Eight Hundred, Two Dollars and 00/100 Cents (\$11,802.00) to cover the cost to repair cracked roadway panels, install a paved temporary cul-de-sac and insure corrective reconstruction on two retention ponds (150% of \$7,868.00); and 9) a payment of Two Thousand, Seven Hundred, Thirty-Two Dollars and 00/100 Cents (\$2,732.00) to reimburse the City's Utility Department for costs incurred in locating a waterline leak. Upon compliance with all the requirements set forth herein, the Finance Director shall authorize the Subdivider's lending institution to release the acquisition and development escrow account.

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., in McIntosh Farms Subdivision No. 1; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Craig L. Witherspoon, 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