

ORDINANCE NO. 72-18

AN ORDINANCE TO ACCEPT IMPROVEMENTS WITH THE AVON LOCAL SCHOOL DISTRICT, BOARD OF EDUCATION FOR THE INSTALLATION/ CONSTRUCTION OF ADDITIONAL PAVEMENT, VIZ, A THIRD LANE OF TRAFFIC IN THE VICINITY OF 3445 LONG ROAD (AVON MIDDLE SCHOOL) AND DECLARING AN EMERGENCY

WHEREAS, Avon Local School District, Board of Education, (hereinafter referred to as the "District"), as owner of a parcel of land located in the vicinity of 3445 Long Road (Avon Middle School) has installed/constructed additional pavement, viz., a third lane of traffic in the vicinity of 3445 Long Road, together with all appurtenances thereto; and

WHEREAS, said improvement and all appurtenances thereto 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.

WHEREAS, Council finds that acceptance of the improvements on Long Road in the vicinity of 3445 Long Road, and all appurtenances thereto, is in the best interests of the Community and promotes the health, safety and welfare of the citizens 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 the public improvement, viz., an additional third lane of pavement in the vicinity of 3445 Long Road (Avon Middle School) constructed by the Avon Local School District, Board of Education, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the Long Road improvements referenced herein is contingent upon the Developer providing the City with the following: (1) the Three (3) Year Maintenance Bond or similar Financial Guarantee for said improvements has been waived by the City; (2) the cash deposit in the sum of One Thousand Five Hundred and 00/100 (\$1,500.00) Dollars to cover miscellaneous costs incurred by the City relating to this Development has also been waived; and (3) payment of Seven Hundred Fifty Nine and 11/100 (\$759.11) Dollars for the Stormwater Drainage Improvement Fund. Upon compliance with all the requirements set forth herein, the Finance Director shall authorize the Developer'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 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 improvements constructed in the vicinity of 3445 Long Road (Avon Middle School) by the Avon Local School District; 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

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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