

ORDINANCE NO. 94-18

**AN ORDINANCE TO ACCEPT IMPROVEMENTS
CONSTRUCTED BY JARONE DEVELOPMENT, LLC, AT THE
INTERSECTION OF NAGEL ROAD AND MIDDLETON ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Jarone Development, LLC has installed/constructed improvements at the Nagel Road-Middleton Road intersection consisting of left turn lanes along Nagel Road north and south of Middleton, pavement markings, traffic signalization, storm sewer, curb and gutter, and all appurtenances thereto; 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 these public improvements and all appurtenances thereto are 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 the installation/construction of improvements at the intersection of Nagel Road and Middleton Road consisting of left turn lanes along Nagel Road north and south of Middleton, pavement markings, traffic signalization, storm sewer, curb and gutter, and all appurtenances thereto, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the public utility improvements herein is contingent upon Jarone Development, LLC., providing the City with the following: (1) 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 Development; (2) a maintenance bond in the amount of Eighty Three Thousand Two Hundred Twenty Four and 00/100 (\$83,224.00) Dollars; (3) a payment of Two Thousand Five Hundred Ninety and 68/100 (\$2,590.68) Dollars for the Stormwater Drainage Improvement Fund; and (4) a cash deposit in the amount of Five Thousand (\$5,000.00) Dollars to insure completion of repairs to Nagel Road in the Spring of 2019, viz., sealing cracks in the pavement, cracks in vertical joints in the curb and painting of stop bars at Middleton East. 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

Ordinance No. 94-18 (Con't)

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/construction of improvements to the intersection of Nagel Road and Middleton Road together with all appurtenances thereto; 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