

ORDINANCE NO. 71-25

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN
AUTUMN GROVE SUBDIVISION
AND DECLARING AN EMERGENCY**

WHEREAS, the Subdivider has constructed the improvements in Autumn Grove 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 Garland New Homes, Inc., to be designated as Autumn Grove 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 **One Hundred Nine Thousand Eighty-Five and 64/100 Dollars (\$109,085.64)**; (2) a cash deposit in the amount of **One Hundred Eight Thousand Eight Hundred Fifty-Five and 00/100 Dollars (\$108,855.00)** 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 **Five Thousand Five Hundred and 00/100 Dollars (\$5,500.00)** which represents the cost of planting the required trees in the Subdivision; (4) a cash deposit in the amount of **One Thousand 00/100 Dollars (\$1,000.00)** 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 Dollars (\$5,000.00)** to cover miscellaneous costs incurred by the City relating to this Subdivision; (6) a payment of **Sixteen Thousand, Forty-Two and 67/100 Dollars (\$16,042.67)** to the Stormwater Drainage Improvement Fund and (7) a deposit of **Fifteen Thousand and 00/100 Dollars (\$15,000.00)** for outstanding items that have not been completed by the Subdivider to date (See, attached Exhibit A, which is incorporated herein by this reference.) Upon compliance with all the requirements set forth in 1 through 7 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.

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 Garland New Homes, Inc. to be designated as Autumn Grove Subdivision as soon as practicable so that new home construction can begin early before the end of the current construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: August 11, 2025

DATE SIGNED: August 11, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: August 12, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Barbara J. Brooks, Clerk of Council

POSTED: August 13, 2025
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 71-25, passed by the Council of said City on August 11, 2025.

IN WITNESS WHEREOF, I have on this 12th day of August, 2025, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 71-25

jgasior

From: Ryan Cummins <cummins@cvelimited.com>
Sent: Thursday, July 31, 2025 1:49 PM
To: Duane Streater; Steve Presley; jgasior
Subject: FW: [External] Autumn Grove Subdivision

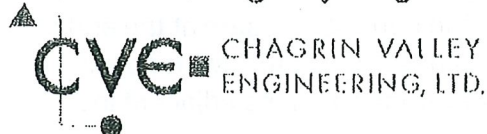
Follow Up Flag: Follow up
Flag Status: Completed

FYI

For some reason he only responded to me.

Ryan

Ryan Cummins, PE, CPESC
Avon Consulting City Engineer



Direct: 440-399-0815 | Office : 440-439-1999 | Email: cummins@cvelimited.com
Oakwood Village Office: 22999 Forbes Road, Suite B, Cleveland, Ohio 44146-5667
Avon Office: 36839 Detroit Road, Suite 102, Avon, Ohio 44011

From: Matt Garland <matt@garlandnewhomes.com>
Sent: Thursday, July 31, 2025 11:59 AM
To: Ryan Cummins <cummins@cvelimited.com>
Subject: RE: [External] Autumn Grove Subdivision

Ok, I agree with this and will drop off the deposit.

Matt Garland
President
Garland New Homes
905 Canterbury Road Suite C
Westlake, Ohio 44145
440-892-4663 Cell 440-773-2300
Matt@garlandnewhomes.com

From: Ryan Cummins <cummins@cvelimited.com>
Sent: Wednesday, July 30, 2025 5:25 PM
To: Matt Garland <matt@garlandnewhomes.com>
Cc: Steve Presley <spresley@cityofavon.com>; John Gasior <jgasior@ssgavonlaw.com>; Kevin Hoffman <kevinh@polaris-es.com>; Duane Streater <dstreater@cityofavon.com>
Subject: Autumn Grove Subdivision

Matt,

As we discussed earlier today, there are four items still outstanding with the Autumn Grove Subdivision. Those items are the following:

1-General grass restoration with all public rights-of-way and open space areas. It is my understanding that you will reseed these areas as needed this fall. Be advised, the reseeding is to ensure that there is a consistent, healthy, lawn type grass coverage of those areas which will be the measure of completion for this item.

2-Electrical Service and pond fountain as called for in the approved subdivision plans is to be installed to help maintain a healthy and aesthetically pleasing stormwater basin. It is my understanding that this item will not be completed until the spring of 2026.

3-Complete the asphalt repair within Riegelsberger Road along the entrance drive to create a smooth and stable pavement transition that does not cause any ponding of water. This item is to be completed at the earliest possible time.

4-Provide plans for and install riprap or similar/equal/appropriate erosion control measure at the end of the ditch along the northern property line of the subdivision where it drains into the stormwater basin. It is my understanding that this will be completed as part of the home construction on the adjacent lot.

To ensure that these items are addressed in a timely manner I am requesting that a \$15,000.00 cash deposit be made with the Avon Finance Department before the subdivision goes before City Council at its August 4, 2025, Work Session meeting. Please reach out to Finance Director Steve Presley for details about how to submit this deposit.

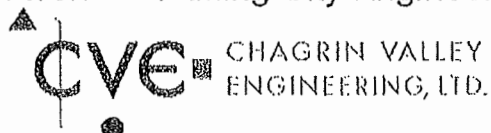
The deposit will be held until all four of these items are addressed.

Let me know if you have any questions.

Thank you.

Ryan

Ryan Cummins, PE, CPESC
Avon Consulting City Engineer



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