

ORDINANCE NO. 31-16

**AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED BY
DISCOUNT DRUG MART CORPORATION FOR THE
CONSTRUCTION/INSTALLATION OF AN EXTENSION TO MIDDLETON ROAD
EAST OF NAGEL ROAD ON A .7585 ACRE PARCEL OF LAND
AND DECLARING AN EMERGENCY**

WHEREAS, the owner, Discount Drug Mart Corporation, has constructed/installed an extension to Middleton Road, East of Nagel Road on a .7585 acre parcel of land; 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.

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 construction/installation of an extension to Middleton Road, East of Nagel Road on a .7585 acre parcel of land, constructed by the Developer, Discount Drug Mart Corporation, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the extension of Middleton Road, East of Nagel Road, is contingent upon the Developer providing the City with the following: (1) A Three (3) Year Maintenance Bond or similar Financial Guarantee for said improvements in the amount of Twenty Two Thousand Nine Hundred Sixty One and 00/100 (\$22,961.00) Dollars; (2) 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; (3) a payment of Five Hundred Seventy Six and 26/100 (\$576.26) Dollars for the Stormwater Drainage Improvement Fund; and (4) a cash deposit in the sum of \$1,000.00 to cover the costs of fire hydrant maintenance/painting and water valve box extensions. 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.

Ordinance No. 31-16 (Con't)

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 construction/installation of an extension to Middleton Road, East of Nagel Road on a .7585 acre parcel of land by the Developer, Discount Drug Mart Corporation; 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:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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