

ORDINANCE NO. 101-18

AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED BY MENARD, INC., NAMELY, A WATERLINE OVER ITS PROPERTY BETWEEN CHESTER ROAD AND SCHNEIDER COURT AND DECLARING AN EMERGENCY

WHEREAS, Menard Inc., has installed/constructed a waterline and all appurtenances thereto on property it owns at 35700 Chester Road; and

WHEREAS, said waterline spans an area running north and south between Chester Road and Schneider Court and creates a loop; 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 the waterline and all appurtenances thereto to be 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 improvement constructed by Menard, Inc. (the Developer) on its property located at 35700 Chester Road consisting of a public water main and all appurtenances thereto extending between Chester Road and Schneider Court, subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the public improvements herein is contingent upon Menard Inc., providing the City with the following: (1) a 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; and (2) a maintenance bond in the amount of Sixteen Thousand Seven Hundred Seventy Four and 00/100 (\$16,774.00) Dollars. Upon compliance with all the requirements set forth herein, the Finance Director shall release the Performance Bond in whatever form posted by the Developer 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 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.

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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 a waterline and all appurtenances thereto by Menard, Inc., located on their property between Chester Road and Schneider Court, including public water main to serve adjacent properties; 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