

ORDINANCE NO. 81-21

**AN ORDINANCE TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY
GALIK BUILDING CO., INC., ALONG JAYCOX ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Galik Building Co., Inc., has installed/constructed various public improvements along Jaycox Road in the City of Avon; and

WHEREAS, these improvements consist of the installation and dedication of a sanitary sewer extension and storm sewer extension within the City's right of way on the east side of Jaycox Road between 2905 Jaycox and 3079 Jaycox Road; 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 public improvements 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 Council for the City of Avon, Lorain County, Ohio, hereby accepts the installation and dedication of a sanitary sewer extension and storm sewer extension within the City's right of way on the east side of Jaycox Road between 2905 Jaycox and 3079 Jaycox Road, 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 Galik Building Co., Inc., providing the City with the following: (1) a cash deposit in the sum of Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars to cover miscellaneous costs incurred by the City relating to this Development; and (2) a maintenance bond in the amount of Nine Thousand Seven Hundred Forty-Four Dollars and 32/100 (\$9,744.32). Upon compliance with all the requirements set forth herein, the Finance Director shall authorize the Developer's Performance Bond, in whatever form it was posted, to be released.

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 installation and dedication of a sanitary sewer extension and storm sewer extension within the City's right of way on the east side of Jaycox Road between 2905 Jaycox and 3079 Jaycox Road, as set forth above; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, 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