

## **ORDINANCE NO. 91-22**

### **AN ORDINANCE TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY GEIS AT CHESTER, LLC IN THE VICINITY OF 35500 CHESTER ROAD AND DECLARING AN EMERGENCY**

**WHEREAS**, Geis at Chester, LLC., has installed/constructed public improvements at 35500 Chester Road, Avon, Ohio; and

**WHEREAS**, these public improvements consist of a new mechanical traffic control device (traffic light), new pavement markings 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 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 the installation/construction of public improvements consisting of a new mechanical traffic control device (traffic light), new pavement markings and all appurtenances thereto located at or in the vicinity of 35500 Chester Road are hereby accepted 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 Geis at Chester, 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; and (2) a maintenance bond in the amount of Twenty-Eight Thousand Three Hundred Forty Two and 18/100 (\$28,342.18) Dollars. 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.

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

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Avon, the immediate emergency being the necessity to accept the installation/construction of public improvements, viz., a new mechanical traffic control device (traffic light), new pavement markings and all appurtenances thereto located at or in the vicinity of 35500 Chester Road; 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