

**ORDINANCE NO. 2007- 57**

**AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND DEDICATED OPEN SPACES OF THE LAKES OF FRANKLIN MILLS SUBDIVISION PHASE IV, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Developer has substantially completed the Lakes of Franklin Mills Subdivision Phase IV and has made arrangements to escrow funds sufficient to cover the costs of completing the remaining items listed on the punch list marked Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the Developer has delivered to the City the necessary dedication plat for the subdivision, a copy of which is marked Exhibit "B", and placed on file with the Clerk of Council.

**WHEREAS**, the Developer has further delivered to the City a title insurance policy in compliance with Section 1189.04(f) of the Codified Ordinances; and

**WHEREAS**, the Development Engineer for the City has given her opinion that the Lakes of Franklin Mills Subdivision Phase IV should be accepted for dedication purposes; and

**WHEREAS**, the Developer has posted a maintenance bond in the amount of \$ 46,908.79 for maintenance guarantees for the Lakes of Franklin Mills Subdivision Phase IV pursuant to Section 1189.04(d) of the Codified Ordinances; and

**WHEREAS**, the Developer has posted a performance completion bond in the amount of \$ 39,465.03 marked Exhibit "C", attached hereto and incorporated herein.

**WHEREAS**, in accordance with Section 1181.09(a) of the Codified Ordinances, a committee of Council has reviewed whether the requirements of the Subdivision Regulations of the City have been met by the Developer for the subject phase of the subdivision and has recommended to Council that the City accept the streets, easements and dedicated open spaces as contained in this phase of the Subdivision.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

**SECTION 1.** That Council does hereby accept for dedication purposes, the Lakes of Franklin Mills Subdivision Phase IV as the same is shown upon the copy of the dedication plat marked Exhibit "B", on file in the Clerk of Council's office and incorporated herein.

**SECTION 2.** That Council does hereby direct the President and Clerk of Council to sign the original dedication plat, evidencing the dedication approval as authorized herein.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City for the reason that it is immediately necessary to allow for the conclusion of the dedication process for these phase of the subject subdivision, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force

immediately after passage.

PASSED: 06/20/07  
DATE

\_\_\_\_\_  
MAYOR AND PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2007 - 57 was duly enacted on this 20 of  
June 2007 by the Council of the City of Kent, Ohio.

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Clerk of Council