

ORDINANCE NO. 2010- 69

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND INFRASTRUCTURE OF THE LINCOLN COMMONS SUBDIVISION, PHASE 1.

WHEREAS, the Developer has substantially completed Phase 1 of the Lincoln Commons Subdivision 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 Phase 1 of the Lincoln Commons Subdivision should be accepted for dedication purposes; and

WHEREAS, the Developer has posted a maintenance bond in the amount of \$27,748.80 for maintenance guarantees for Phase 1 of the Lincoln Commons Subdivision pursuant to Section 1189.04(d) of the Codified Ordinances; and

WHEREAS, the Developer has posted a cash performance completion bond in the amount of \$280.00.

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 infrastructure 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 two-thirds (2/3) of all members elected thereto concurring:

SECTION 1. That Council will hereby accept for dedication purposes, the Lincoln Commons Subdivision, Phase 1, as the same is shown upon the copy of the dedication plat marked Exhibit "B", attached hereto and incorporated herein, upon the presentation to the City of an acceptable maintenance guarantee of \$27,748.80 and a performance completion bond in the amount of \$280.00.

SECTION 2. That the Clerk of Council shall file a certified copy of this ordinance with the Portage County Recorder's office in lieu of refiling the plat, upon submission by the Developer to the City the items listed in Section 1.

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 shall take effect and be in force from and after the earliest date allowed by law.

PASSED: 7/21/10
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2010 - 69 was duly enacted this 21 day of July,
2010 by the Council of the City of Kent, Ohio.

Clerk of Council