

Ordinance No. 2007- 121 Passed 12/12 07, 20  

**AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND DEDICATED OPEN SPACES OF RIVER BEND EAST SUBDIVISION PHASE IV, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Developer for Phase IV of River Bend East Subdivision has substantially completed the phases, 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 IV of the River Bend East Subdivision should be accepted for dedication purposes; and

**WHEREAS**, the Developer has posted a maintenance bond in the amount of \$45,735.37.

**WHEREAS**, the Developer has posted a performance completion bond in the amount of \$22,666.60 marked Exhibit "C", attached hereto and incorporated herein; and

**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 phases of the Subdivision and has recommended to Council that the City accept the streets, easements and dedicated open spaces as contained in these phases 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, ~~Phases I & II~~ **Phase IV** of the River Bend East Subdivision as the same is shown upon the copy of the dedication plat marked Exhibit "B", attached hereto 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: 12/12/2007  
DATE

John Fender  
MAYOR AND PRESIDENT OF COUNCIL

ATTEST Ann M. Cooley  
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2007- 121 was duly enacted on this 12th of December 2007 by the Council of the City of Kent, Ohio.

Ann M. Cooley  
CLERK OF COUNCIL

PUBLISHED BY TITLE ONLY IN THE RECORD COURIER ON THE 19th DAY OF DECEMBER, 2007

Ann M. Cooley  
Clerk of Council

EXHIBIT A  
RIVERBEND EAST S/D PHASES 4  
11/13/07  
PUNCH LIST

Pay Item No.	Description	Unit	Unit Price	Design Qty.	Design Amount
1	Concrete City Sidewalk, Per Plan	S.F.	\$4.00	4,464.00	\$17,856.00
2	Trees	EA	\$250.00	11.00	\$2,750.00

Original Project Construction Amount:       \$20,606.00  
Original Project Contingency Amount (10%):       \$2,060.60  
Original Project Budget Amount:       \$22,666.60

Maintenance Bond (10% of original cost budget amount)       \$ 45,737.37