

RESOLUTION NO.: 2019-R115
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: DECEMBER 10, 2019

Planning
ASSIGNED TO: _____

A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR BRIER CREEK PHASE II, AND DECLARING AN EMERGENCY.

WHEREAS, at its regularly scheduled meeting on December 19, 2018, the City of Green Planning and Zoning Commission recommended approval of the final plat of Brier Creek Phase II, by a vote of 5-0; and

WHEREAS, Environmental Design Group, the City's consulting engineer, has reviewed and recommended that a minimum performance bond be posted in the amount of One Million Thirty Thousand Nine Hundred Sixty-Five Dollars and Sixty-Five Cents (\$1,030,965.65) to be held pending the satisfactory completion of the public improvements within Brier Creek Phase II; and

WHEREAS, Green Codified Ordinance Section 1224.06(4)(J) requires City Council to review and judge the final plat, along with the recommendation of the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

Green City Council, pursuant to Green Codified Ordinance Section 1224.06(4)(J), approves the final plat of Brier Creek Phase II, a copy of which is attached hereto and incorporated herein as Exhibit "A".

SECTION TWO:

Green City Council accepts a performance bond in the amount of One Million Thirty Thousand Nine Hundred Sixty-Five Dollars and Sixty-Five Cents (\$1,030,965.65) submitted by Warmus Builders, Inc. ("Developer") and directs the Finance Director to retain the bond until such time as all obligations have been met and the bond is released in accordance with City regulations.

SECTION THREE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR:

Green City Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and for the further reason that the plat may be recorded, and construction proceed immediately and forthwith. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and

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approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: Feb 11, 2020

Molly Kapeluck
Molly Kapeluck, Clerk

Bob Young
Bob Young, Council President
Barbara Babbitt

APPROVED: Feb. 12, 2019

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

COPIED
MAY FIN LAW PLAN ENG
SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: February 12 2019

ON ROLL CALL: Babbitt -aye Brandenburg - DeVitis -
Speight France - Dyer aye Humphrey Aye Shaughnessy - Absent
Aye Yeargin - Aye Young - Aye Heptel 6-0

Suburbanite publication on February 21 and February 28, 2020

Molly Kapeluck
Molly Kapeluck, Clerk

12/5/2019 Approved as to form and content by William G. Chris, Director of Law, Interim

William G. Chris

EXHIBIT "A"
2019-R115

BRIER CREEK - PHASE TWO

D E D I C A T I O N

WE, THE UNDERSIGNED OWNER(S) AND HOLDERS OF LEGAL AND OTHER INTERESTS IN AND TO THE LAND SHOWN ON THIS PLAN, DO HEREBY DECLARE THIS PLAN TO BE OUR FREE ACT AND DEED AND DO HEREBY DEDICATE THE STREETS AND EASEMENTS SHOWN HEREON TO PUBLIC USE FOREVER, TO THE CITY OF GREEN AND THE COUNTY OF BLAINE.

ORDER(S)	SET THE ORDER
BOETTLER FARM LIMITED	
BY JOHN F. BRIDGES, PARTNER	
BY	

STATE OF OHIO
COUNTY OF BLAIN

BETWEEN ME, a Notary Public in and for said County, personally appeared
the above named EMERSON, who acknowledged the making and signing of
the foregoing instrument to be the free and true act and deed,
in testimony of which, I have hereunto set my hand and official seal at
_____ , OHIO, this _____ day of _____, 20__.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

APPROVED BY THE CITY COUNCIL OF THE CITY OF GREEN, OHIO THIS _____ DAY OF _____
BY RESOLUTION No. _____

PRESIDENT OF COUNCIL DEPUTY OF COUNCIL

APPROVED BY THE MAYOR OF THE CITY OF GREEN THIS _____ DAY OF _____

[illegible]

A cross-section diagram of a road. At the top, a horizontal line is labeled "PROPERTY LINE". Below it, a vertical line descends to a horizontal line labeled "BACK OF PAVEMENT". To the left of this vertical line, a dimension of "12'" is shown between two horizontal lines. To the right of the vertical line, a dimension of "7'" is shown between the "BACK OF PAVEMENT" line and another horizontal line. Below this, a dimension of "4'" is shown between two horizontal lines. The bottom-most horizontal line is labeled "DRAINAGE DITCH (ON, PAVED, GRASS)". To the right of the "BACK OF PAVEMENT" line, the text "CENTERLINE OF ROADWAY (ON, PAVED, GRASS)" is written. Below the "DRAINAGE DITCH" line, the text "DRAINAGE DITCH" is written.

THE LICENSEE AGREES FOR THE PROVIDERS OF THIS UTILITY OR SERVICE THE RIGHT TO REMOVE ELECTRIC AND TELECOMMUNICATIONS EQUIPMENT AS NECESSARY TO MAINTAIN, OPERATE OR CONDUCT THEIR BUSINESS. THE RIGHT OF ACCESS AS REQUIRED FOR EMPLOYMENT FOR THE PURPOSES OF THIS LICENSE.

EXCEPT THE USE OF LAND BY ANYONE OTHER THAN DED, WITHIN DED'S EXISTING EXCLUSIVE AREA AS ILLUSTRATED HEREON THERE WILL BE/IT WILL COMPLY WITH DED'S RESTRICTIONS.

[illegible]

SITUATED IN THE CITY OF GREEN, FORMERLY GREEN TOWNSHIP, SUMMIT COUNTY, OHIO, AND KNOWN AS BEING PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16 OF SAID TOWNSHIP.

TOTAL AREA PLATTED	10.8287 Ac.
AREA IN NEP ROADS TO BE DEDICATED	3.4188 Ac.
NET AREA IN LOTS (8-41)	9.2340 Ac.
NET AREA IN BLOCKS, DEDICATED OPEN SPACE	7.1279 Ac.

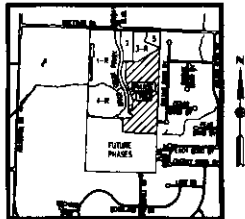
DECEMBER, 2019

SURVEYOR:

CORDI SURVEY
1052 INDEPENDENCE AVE.
AKRON, OH 44310
PHONE: 330-388-8146
REP.: MR. JEFFERY A. CO

DEVELOPER:

WARMUS BUILDERS, INC.
1531 BOETTLER RD., SUITE C
UNIONTOWN, OH 44685
PHONE: 330-896-1142
REP.: MR. JOHN F. WARMUS, P.E.



LOCATION MAP
NOT TO SCALE

I HEREBY CERTIFY THAT THIS IS A CORRECT PLAT OF WHITE OAK SUBDIVISION -
PHASE TWO MADE BY ME THIS _____ DAY OF _____, 19____
AND THAT THE SURVEY BALANCES AND CLOSURE, AND THE MEASUREMENTS SHOWN HEREON ARE SET
OUT TO BE SET AS SHOWN, AND ALL DIMENSIONAL AND GEODETIC DETAILS ARE
CORRECT, AND THAT THE MEASUREMENTS SHOWN THEREON EXIST OR SHALL BE SET AS SHOWN.

JEFFREY A. CORDE
1082 INDEPENDENCE AVE.
ANN ARBOR, MI 4810
330-386-6149
CORDE@SURVEYMAIL.COM

STATE OF OHIO
COUNTY OF COLUMBIA

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED THE ABOVE SIGNED SURVIVOR AND ACKNOWLEDGE THAT THEY DID SIGN THE
FOREGOING INSTRUMENT AND THAT IT WAS THEIR FREE ACT AND DEED.
My Commission Expires _____.

APPROVED BY THE ENGINEER OF THE CITY OF GREEN THIS _____ DAY OF _____

CITY ENGINEER

DATE RECEIVED _____ SECRETARY _____

MILITARY RESERVE INDEMNITY ACCEPTED BY COUNTY OF SANJOSE THIS _____ DAY OF _____

TERRY BARTHOLOMEW, EXECUTIVE

DECLARATION OF COVENANTS, RESTRICTIONS AND HOUSING ASSOCIATION BY-LAWS FOR SAID SUBDIVISION ARE AS RECORDED IN RECEPTION NO. OF SAID COUNTY RECORDS, AND THE SAME ARE INCORPORATED HEREIN BY REFERENCE AS IF FULLY REPRODUCED HEREIN.

[illegible]

ADDER'S NAME	RECOVERED NAME

BRIER CREEK - PHASE TWO
SHEET 1 OF 3

STATE PLAT COMMISSION

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