

Resolution No. 2002-05 Passed February 5 19 2002

A RESOLUTION TO CONDITIONALLY ACCEPT THE PUBLIC IMPROVEMENTS IN THE MURPHY PARK, SECTIONS 2 & 3 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLATS THEREOF RECORDED IN CABINET 2, SLIDES 616-616A AND CABINET 2, SLIDES 648-648A RESPECTIVELY, DELAWARE COUNTY, OHIO RECORDS.

WHEREAS, Council has previously approved plats for Murphy Park, Sections 2 & 3, which have been duly recorded in the office of the Delaware County Recorder in Cabinet 2, Slides 616-616A and Cabinet 2, Slides 648-648A respectively, and

WHEREAS, all major components of the public improvements of the development consisting of the Safreed Way, Shyanne Drive, Shyanne Court, Tree Haven Avenue North, and Wagon Trail North roadways are completed to the extent that does not present undue health, safety, and welfare hazards to the citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That all major components of the public improvements of the development consisting of the Safreed Way, Shyanne Drive, Shyanne Court, Tree Haven Avenue North, and Wagon Trail North roadways as noted upon the plats of Murphy Park, Sections 2 & 3 of record in Cabinet 2, Slides 616-616A and Cabinet 2, Slides 648-648A respectively, Delaware County, Ohio records are conditionally accepted by the Municipality of Powell.

Section 2: That this acceptance shall be conditioned upon:

- A. All conditions contained within the executed Development Agreement for Murphy Park, Sections 2 & 3, dated August 6, 2001;
B. The posting of a maintenance guarantee;
C. The submission of a set of "as-built" drawings;
D. All major components of the public improvements of the development being completed and maintained to the extent that they do not present undue health, safety, and welfare hazards to the citizens;
E. Incomplete walkways/pathways shall be barricaded and posted "Sidewalk Closed" until such time as the pathways are complete and the City Engineer authorizes the removal of said barricades;
F. That Safreed Way, Shyanne Drive and Wagon Trail North shall be barricaded at the end of each work day until such time as the street lights are installed and operational to the satisfaction of the City Engineer;
G. That a barricade be maintained at the south end of Tree Haven Avenue North until the City Engineer authorizes its removal;
H. That no construction or construction-related traffic be permitted to ingress/egress through the Grandshire subdivision via Tree Haven Avenue North at any time;
I. That the one-year maintenance period for the streetlights and walkways/pathways shall not commence until the Developer has notified the City Engineer, in writing, of their installation, and the City Engineer subsequently approves of the installations;
J. That sanitary sewer taps shall be installed as permitted by the Delaware County Sanitary Engineer.
K. That the developer is required to install the bike path in accordance with approval by the Planning and Zoning Commission prior to the development of adjoining two parcels of land.

94-11 cases 4-3-94 on this date 2-8-02

Handwritten signature of Dawn Nauman, Clerk of Council

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 4: That this Resolution shall take effect at the earliest possible date permitted by law.

VOTE ON RESOLUTION 2002-05: Y 6 N 0 (Abstain: Lackey)

Art Schultz 2/6/02 Date Mayor

Dawn Nauman 2/7/02 Date Clerk of Council