

Susie Ross
Clerk of Council

Resolution 2004-05
Passed February 17, 2004

A RESOLUTION TO CONDITIONALLY ACCEPT CERTAIN OUTSTANDING PORTIONS OF THE PUBLIC IMPROVEMENTS IN THE MURPHY PARK, SECTION 1 SUBDIVISION (AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 2, SLIDES 647 A, B & C, DELAWARE COUNTY, OHIO RECORDS) AND TO COMMENCE THE MAINTENANCE PERIOD FOR ALL PORTIONS OF THE PUBLIC IMPROVEMENTS IN MURPHY PARK, SECTION 1, IN THEIR ENTIRETY.

WHEREAS, Council has previously approved a plat for Murphy Park, Section 1, which has been duly recorded in the offices of the Delaware County Recorder in Cabinet 2, Slides 647 A, B & C, and

WHEREAS, all major components of the certain outstanding portions of the public improvements of the development consisting of the Murphy Parkway/SR 750 intersection/traffic signal and the public park (also known as "Murphy Park") are now 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 certain outstanding portions of the public improvements of the development consisting of the Murphy Parkway/SR 750 intersection/traffic signal and the public park (also known as "Murphy Park") 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, Section 1, dated November 27, 2001;
- B. 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;
- C. The Owner/Developer shall complete, to the satisfaction of the City Engineer, all outstanding punchlist items as soon as weather first permits in the spring of 2004;
- D. The posting and maintaining of a satisfactory and acceptable maintenance guarantee;
- E. The Owner/Developer shall Guarantee all public improvements for a period of at least one year, from the date of passage of this Resolution, plus the time it takes to correct all defects and deficiencies found during the one year period;
- F. Final Acceptance shall not be granted for portions of the public improvements, but shall only be granted for all public improvements, in their entirety, upon all deficient items being completed. Final Acceptance shall be performed by Ordinance legislation of the City of the Powell 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 its committees which resulted in such formal actions were in meetings 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 2004-05:

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Dan Wienczek

DAN WIENCEK
MAYOR

7/5/05

DATE

Susie Ross

DAWN NAUMAN
CLERK OF COUNCIL
SUSIE ROSS

7/5/05

DATE

