

Passed March 1, 2005
RESOLUTION 2005-10

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM ONE-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE MURPHY PARK, SECTION 4 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 226-226A, DELAWARE COUNTY, OHIO RECORDS.

WHEREAS, the City of Powell has previously approved a plat for Murphy Park, Section 4, which has been duly recorded in the offices of the Delaware County Recorder in Cabinet 3, Slides 226-226A, and;

WHEREAS, all major components of the public improvements of the development are completed to the extent that does not appear to 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 as noted upon the plat of Murphy Park, Section 4, of record in Cabinet 3, Slides 226-226A, Delaware County, Ohio records are conditionally accepted by the Municipality of Powell.

Section 2: That this acceptance shall be conditioned upon:

- A. The posting of a Maintenance Guarantee to remain valid and current until final acceptance;
- B. All components of the public construction of the development being complete and maintained to the extent that they do not present undue health, safety, and welfare hazards to the citizens;

That all outstanding punchlist items, as may exist within the attached punchlists dated October 27, 2004 and November 24, 2004, shall be completed, to the satisfaction of the City Engineer, no later than June 15, 2005.

That if Section 2 (C) of this Resolution is not accomplished by June 15, 2005, the City may not issue, at the discretion of City Staff, any further building permits for Murphy Park, Section 4, until such time as Section 2 (C) of this Resolution has been accomplished. Further, the City may exercise the option to acquire sufficient funds from the developer's Maintenance Guarantee in order to effect the completion of any outstanding items;

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 2005-10:

Y 6 N 0

Dan Wiencek 3/1/05
Dan Wiencek Date
Mayor

Dawn Nauman
Dawn Nauman Date
Clerk of Council

This legislation has been posted in accordance with
the City Charter on this date 3/1/05.

D. Nauman
Clerk of Council

