

In the matter of accepting on behalf of Huntington )  
 Township Trustees, the improvements and enter )  
 into a one-year Maintenance Agreement for )  
 Huntington Reserve Subdivision, Huntington )  
 Township - Dave McMillan, Developer )

June 12, 2003

WHEREAS, Kenneth P. Carney, Lorain County Engineer by letter dated May 30, 2003 submitted the following:

The developer has constructed the Asphalt Pavement and Storm Sewer System for the subject subdivision. These improvements for the 18 sublots have been approved by the County Engineer.

This office recommends the Board pass a resolution accepting, on behalf of the Huntington Township Trustees, the improvements for the sublots, and accepting the maintenance guarantee agreement for a period of one year. Huntington Township Trustees have accepted the improvements.

The plat for Huntington Reserve Subdivision is recorded in the Lorain County Record of Plats, as follows:

McMillan Road with road number T-269, extending northerly from Bursley Road, 2563.64 feet or 0.486 miles in length, to the center point of a cul-de-sac.

If there are any questions, please contact this office.

Sincerely yours, S/Kenneth P. Carney, Lorain County Engineer”

NOW, THEREFORE BE IT RESOLVED, by the Lorain County Board of Commissioners that we hereby accept improvements on behalf of Huntington Township Trustees and enter into a one-year Maintenance Agreement for Huntington Reserve Subdivision, Huntington Township - Dave McMillan, Developer

Said Maintenance Agreement is considered a part hereof to the resolution and can be found on file in the Commissioners/Engineer Office as follows:

This Agreement is entered into by and between the Board of Commissioners of Lorain County (“Board”), and David and Becky McMillan (“Developer”),

WHEREAS, Developer is about to complete all pavement and drainage improvements in Huntington Reserve Subdivision Lorain County, Ohio as recorded in Lorain County record of Plats Volume 71 and Page 1 & 2; and

WHEREAS, a maintenance guarantee is required by the Lorain County Engineer Specifications and Regulations for Subdivision Development at the time of final acceptance by the Board of the improvements within a subdivision; and

NOW, THEREFORE, the parties agree as follows:

Developer guarantees that all improvements are in satisfactory condition and agrees that he will repair, at his sole cost, all failures due the faulty construction as soon as same become apparent. Developer shall also be responsible repairing damage due to the erosion or abuse by owners and utility or construction companies working with the subdivision.

All improvements shall be in a condition acceptable to the Lorain County Engineer at the end of the maintenance periods. Which period shall expire one year from the date of the execution of this Agreement.

As a security for Developer's guarantees and covenants herein, Developer shall secure a maintenance bond, which is attached hereto in the amount of \$28,288.20 bound to the board, in compliance with Chapter 153 of the Ohio Revised Code. If Developer fails to perform the aforementioned maintenance of the improvements to the complete satisfaction of the Lorain County Engineer and if the Developer is unable to pay for same, Board shall be entitled to enforce and invoke the provisions of the maintenance bond, payment therefore to be utilized by the County Engineer in making any needed repairs.

The board shall give at least ten (10) written days notice to the Obligor on the bond and Developer of default by Developer in this performance of repair and maintenance. Obligor in the shall receive any such notice of default from the Board within one year of the date of this Agreement and in any event, shall not be obligated for any costs over the aforementioned sum. Developer shall remain primarily liable for all maintenance expenditures, including any and all expenditures over and above the stated amount.

In Witness Whereof, the parties hereto have set their hands at 26457 St. Rt. 58, Wellington, Ohio, this 28<sup>th</sup> day of October 2002.

WITNESS

S/Scott E. Cesace

S/Jay Hicks

S/Theresa L. Upton

DEVELOPER

S/David O. McMillan

S/Becky L. McMillan

BOARD OF COMMISSIONERS OF LORAIN COUNTY:

S/Mary Jo Vasi, President

Approved as to form:

S/Gerald A. Innes, Assistant County Prosecutor

BE IT FURTHER RESOLVED, Plat for Huntington Reserve Subdivision, Huntington Township is recorded as:

McMillan Road with road number T-269, extending northerly from Bursley Road, 2563.64 feet or 0.486 miles in length to the center point of a cul-de-sac.

Motion by Moore, seconded by Vasi to adopt Resolution. Ayes: Moore & Vasi / Absent: Blair on vacation leave.

Motion carried

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