

Mr. Davis
T
12/4/72
Front building on full
original plat
to clerk
12/21/72 con
Antonia Douglas
2nd Salinger debt
from minute as full
reading
to con 12/5/72
front 12/21/72
1st Building Title
1-2-73

T-113-72
12/5/72

RESOLUTION NO. 293-72

A RESOLUTION APPROVING MILLS CREEK SUBDIVISION, SECTION-E, AND ACCEPTING LAND DEDICATED FOR PUBLIC USE, AND DECLARING AN EMERGENCY.

WHEREAS, Mills Creek Homes, Inc., has obtained preliminary approval of its Mills Creek Subdivision, Section-E, and

WHEREAS, Mills Creek Homes, Inc., has submitted said Subdivision to the Council of the City of North Ridgeville, Ohio, for final approval, and

WHEREAS, the Planning Commission of the City of North Ridgeville, Ohio, has approved said Subdivision, and

WHEREAS, it is the desire of the Council of the City of North Ridgeville, Ohio to approve said Subdivision, accept lands dedicated for public use, subject to conditions,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO:

SECTION. 1. That final approval is given to Mills Creek Subdivision, Section-E of the Mills Creek Homes, Inc., consisting of Sublots Nos. 501 thru 714, situated in the City of North Ridgeville, County of Lorain and State of Ohio, as set forth on the proposed plat, subject to the hereinafter imposed condition.

SECTION 2. That the land dedicated for public use on said plat, be and the same, is hereby accepted by the Council of the City of North Ridgeville, Ohio provided the conditions hereinafter set forth are complied with, subject also to water and sewer being available to said Subdivision.

SECTION 3. That it is a condition to the issuance of Building Permits and/or Certificates of Occupancy, within said Subdivision, that the Developer shall give satisfactory guaranty to the City of North Ridgeville, Ohio, that the sewer, water and other improvements, according to the City's specifications, shall be completed to the satisfaction of the City or shall be guaranteed therefor and shall be free and clear of any claim from any labore

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materialmen, contractor or subcontractor or guaranteed therefor.

SECTION 4. That as a condition of the approval of this Subdivision, the Developer shall deliver to the City of North Ridgville, Ohio, a final certificate of title covering said Subdivision in such form as is approved by the City, free and clear of all incumbrances, liens, except current taxes and special assessments, if any, zoning ordinances, rights of way and easements of record, said final certificate of title to be dated and timed no earlier than the filing of the plat with the Lorain County Recorder; provided, however, that said property may be subject to a Mortgage, provided that the Mortgagee endorses the plat.

SECTION 5. That said Subdivision, be and the same, is hereby approved as a Cluster-Subdivision and the Building Inspector is authorized to issue Building Permits and/or Certificates of Occupancy provided all of the conditions, as contained herein, are complied with and provided, the City Engineer approves the plat and the engineering on all the improvements.

SECTION 6. That as a condition to the issuance of building permits and/or certificates of occupancy, the Developer shall enter into a Subdivider's Agreement with the City setting forth all of the terms and conditions herein, in such form and substance as approved by the City.

SECTION 7. That the Developer shall provide the City with adequate means for the treatment of sanitary waste to include any necessary expansion of the sewage treatment plant in the event that the capacity of the present plant is reached, prior to the issuance of any building permits and/or certificates of occupancy.

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SUBDIVIDER'S AGREEMENT

WHEREAS, MILLS CREEK HOMES, INC., herein known as the Developer, has submitted for final approval, a Subdivision Plat or Construction Plan, for the development of land within the City of North Ridgeville, Ohio.

WHEREAS, Article - VII of the Subdivision Regulations of the City of North Ridgeville, Ohio, known as Ordinance No. 165 of said City requires that before any Subdivision Plat or Construction Plan is given final approval, the Subdivider or Developer shall have executed a Subdivider's Agreement with the City of North Ridgeville,

WHEREAS, the Council of the City of North Ridgeville, Ohio, has given final approval to the Subdivision Plat and Construction Plans for Mills Creek Subdivision - Section "E" subject to the execution of this Subdivider's Agreement and its terms.

In consideration of the mutual promises, covenants and agreements as contained herein, the City of North Ridgeville, Ohio, hereinafter called the City, and the Developer do hereby agree as follows:

1. The City of North Ridgeville, Ohio, hereby gives final approval to Mills Creek Homes, Inc. for their Subdivision Plat and Construction Plans for Mills Creek Subdivision Section "E".
2. That the City of North Ridgeville, Ohio, does hereby accept for recording purposes only, the plat of said subdivision; that upon completion of construction of the required improvements, the City Engineer shall approve same and notify Council of his action, whereupon Council shall accept the land dedicated for public use.
3. It is the condition to the issuances of building permits and/or certificates of occupancy, that the Developer shall give satisfactory guaranty to the City of North Ridgeville, Ohio, that the sewer, water and all other improvements, according to the City's specifications, be completed to the satisfaction of the City and shall be free and clear of any claims, of any laborer, material-men, contractor or sub-contractor.

Subdivider's Agreement - Mills Creek Sub. Sect. "E" (cont'd)

4. The Developer agrees to comply with all existing Ordinances and Governmental Regulations pertaining to the improvement of said property; and the City reserves the right, in the event that the Developer does not so comply, to suspend the issuance of building permits and/or certificates of occupancy until the Developer has complied with all said requirements.
5. Prior to the issuance of any building permits and/or certificates of occupancy, or within thirty (30) days after the filing of the plat with the Lorain County Recorder, whichever is earlier, a final Certificate of Title covering said improvement, plat or construction plan, shall be delivered to the City in such form as is approved by the Law Director, showing that the land is free and clear of all encumbrances except current taxes and special assessments, if any, zoning ordinances, easements and rights of way of record, and said final Certificate of Title shall be dated and time no earlier than the filing of the plat with the Lorain County Recorder.
6. It is agreed that the City Engineer of North Ridgeville, Ohio, shall be responsible for the examination of all engineering matters pertaining to the planning, platting, constructing and improving of said property; and that all of said phases of said project, shall be subject to his final approval as to form and as to substance.
7. It is agreed that the Developer will pay to the City of North Ridgeville the property taxes as assigned to that portion of subdivision plat that has been dedicated for public use as roadways for the period of one (1) year.

IN WITNESS WHEREOF, the parties have hereunto set their hands,

this 16th day of March, 19 73.

Carl Galantay
 WITNESS
Wm. T. Stewart
 WITNESS

CITY OF NORTH RIDGEVILLE, OHIO
 BY: Charles A. Stuart
 MAYOR

Paul S. Frisch
 WITNESS
Paul M. Zellman
 WITNESS

MILLS CREEK HOMES, INC.
 BY: James J. Nichols

SECTION 8. That this Resolution, be and the same, is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the public peace, health and welfare of the Citizens of the City of North Ridgeville, Ohio, by providing for the approval of a Subdivision, wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval.

PASSED:

January 15, 1973

Don W. Stanton
President of Council

ATTEST:

Francis J. Davis

APPROVED:

January 15, 1973

Charles H. Stuart
MAYOR

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