

**VILLAGE OF YELLOW SPRINGS  
RESOLUTION #2007-18**

**WHEREAS**, the Village of Yellow Springs received an application for final plat approval from Purple Sage, LLC for the development of a single-family residential subdivision known as Hugh T. Birch III Subdivision, Section I (“Subdivision”); and

**WHEREAS**, the Village Planning Commission held a public hearing and reviewed the preliminary and final plats for the Subdivision with consultation from a Consulting Engineer, and Village Solicitor; and

**WHEREAS**, based on public input and technical review, the Village Planning Commission made a recommendation, subject to conditions, to approve the final plat (the “Plat”) for the Subdivision; and

**WHEREAS**, the Village of Yellow Springs adopted Ordinance 2005-12, dated July 18, 2005 that approved the Final Plat Approval for Birch III, Section I; and

**WHEREAS**, Purple Sage, LLC endeavors to complete the necessary improvements by installing streets, drainage, curb and gutter on the site as outlined in conditions of approval; and

**WHEREAS**, the Codified Ordinances of Yellow Springs Section 1226.09(b) allows two years from the date of final approval of Council for the plat to complete public improvements on site; and

**WHEREAS**, differences between the partners at Purple Sage, LLC resulted in a reorganization of the principals of the entity; and

**WHEREAS**, local, regional and national market conditions have resulted in sales of lots and lot development to be slower than anticipated by the developers; and

**WHEREAS**, reorganization efforts and market conditions have result in delays to the completion of the infrastructure on the project where the developer is requesting a six (6) month extension to complete public improvements; and

**WHEREAS**, Section 1226.09(b) allows the Village Council to approve one extension of six (6) months, conditioned upon proper bonding for the cost of said improvements; and

**WHEREAS**, Purple Sage, LLC has secured the necessary bonding for the cost of said improvements.

**NOW THEREFORE, THE COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY RESOLVES THAT:**

**Section 1.** Purple Sage, LLC and/or its successors is granted a one time six (6) month extension in order to complete necessary public improvements conditioned by final plat approval.

**Section 2.** Purple Sage, LLC and/or its successors is required to provide a completion bond in the form specified under 1226.09 to ensure the completion of these conditioned public improvements.

**Section 3.** Purple Sage, LLC is hereby noticed that according to 1226.09 (b) Council shall provide any additional extensions of time to complete public improvements on this project.

**Section 4.** Council hereby authorizes the Village Manager the right to foreclose on the bond as specified in 1226.09(g) if said improvements are incomplete after a period of six (6) month from this resolution being effective.

\_\_\_\_\_  
Karen Wintrow, Vice President of Council

Passed: July 16, 2007

Attest: \_\_\_\_\_  
Deborah Benning, Clerk of Council

**ROLL CALL:**

Karen Wintrow \_\_Y\_\_

Bruce Rickenbach \_\_Y\_\_

Judith Hempfling \_\_Y\_\_

Kathryn Chase \_\_Y\_\_

Kathryn Van der Heiden \_Y\_\_