

**VILLAGE OF YELLOW SPRINGS
RESOLUTION #2008-06**

WHEREAS, the Village of Yellow Springs received an application for final plat approval from Phillips-Brown Homes, LLC for the development of a residential planned unit development known as Thistle Creek (“Planned Development”); 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 Planned Development; and

WHEREAS, the Village of Yellow Springs adopted Ordinance 2005-28, dated December 19, 2005 that conferred final approval for Thistle Creek; and

WHEREAS, Phillips Brown Homes endeavored to complete the necessary improvements by installing streets, drainage, water, sewer and electrical infrastructure 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, the Village’s Engineering Consultant has inspected the public improvements on site and has found them to be sufficient to meet the standards and specifications as outlined in the conditions of approval with exception of temporary access roads that will need to remain for the foreseeable future until final build out; and,

WHEREAS, the Village Solicitor and Village Manager have determined that it is appropriate to allow for a separate security instrument to allow release of the current bond for improvements and covering the temporary access roads, while still ensuring the public’s interests are represented should the roads not be restored satisfactorily, and,

WHEREAS, Phillips Brown and/or successors or assignees, retain financial sureties that are in excess of those that are required by the Village code, given the sufficiency of the improvements

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

Section 1. The Village hereby accepts the public improvements made to Thistle Creek, and

Section 2. The Village Manager is authorized to release financial sureties for completing the improvements completed by Phillips Brown and/or successors or assignees, and to begin any applicable maintenance period as stated in the conditions of approval and Village code, and

Section 3. Upon successful completion of the maintenance period, as applicable, the Village Manager is authorized to release any remaining financial sureties on Thistle Creek and/or successors or assignees, and,

Section 4. Council hereby authorizes the Village Manager to enter into and agreement and hold a security instrument in an amount suitable for covering the restoration of the temporary construction access roads, and,

Section 5. Council hereby authorizes the Village Manager the right to foreclose on the sureties retained as specified in if said performance is found lacking during any applicable maintenance period

Judith Hempfling, President of Council

Passed:

Attest: _____
Deborah Benning, Clerk of Council

ROLL CALL:

Judith Hempfling _____

Karen Wintrow _____

Kathryn Van der Heiden _____

John Booth _____

Lori Askeland _____