

ORDINANCE NO. 33-22

AN ORDINANCE ACCEPTING THE CONSTRUCTION AGREEMENT FOR KMK DEVELOPMENT, DEVELOPERS OF PHASE 2 OF THE WOODSIDE GREEN SUBDIVISION, AS REQUIRED IN SECTION 1173.08(c) AND (d) OF THE SUBDIVISION CODE OF THE CITY OF MEDINA, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Medina City Council hereby accepts the Construction Agreement of KMK Development, developers of Phase 2 of the Woodside Green Subdivision, as required in Section 1173.08(c) and (d) of the Subdivision Code of the City of Medina.

SEC. 2: That a copy of the Construction Agreement is marked Exhibit A, attached hereto and incorporated herein, and subject to the final approval of the Law Director.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: February 28, 2022 **SIGNED:** John M. Coyne, III
President of Council

ATTEST: Kathy Patton **APPROVED:** March 1, 2022
Clerk of Council **Mayor**

THE UNDERSIGNED, CLERK OF THE COUNCIL OF THE CITY OF MEDINA, OHIO, HEREBY CERTIFIES THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE-RESOLUTION NO. 33-22 ADOPTED BY SAID COUNCIL ON Feb 28, 2022



CLERK OF COUNCIL

ORD 33-22
EKH.A

CONSTRUCTION AGREEMENT

TO: The Mayor and Council of the City of Medina, Ohio

ATTENTION: City Engineer

RE: Section 1173.09a, Subdivision Code

Gentlemen:

In consideration of the acceptance by the City of Medina, Ohio, of the Subdivision Plat of WOODSIDE GREEN SUBDIVISION, PHASE II, KMK DEVELOPMENT LLC (the developer), agrees and by this writing guarantees the construction and installation of the aforesaid improvements pursuant to Title Nine of the Code of Ordinances of the City of Medina, Ohio, as amended, within the time authorized for completion and in accordance with all applicable ordinances of the City of Medina.

KMK DEVELOPMENT LLC further agrees that he is the developer of the WOODSIDE GREEN SUBDIVISION, PHASE II, by Ordinance No. 33-22, dated Feb 28, 2022.

It is hereby understood and agreed that KMK DEVELOPMENT LLC, developer, shall provide the following improvements and facilities to be installed at the subdivider's (KMK DEVELOPMENT LLC) expense in compliance with the standards and specifications for each of the following various types of improvements:

1. Grading
2. Construction of Sanitary Sewers
3. Construction of Storm Sewers
4. Construction of Water Lines
5. Construction of Pavements
6. Construction of Street Signs and Markers
7. Construction of Sidewalks
8. Installation of Street Lights, if required
9. Planting of Trees within the right-of-way

The developer further states that said improvements will be completed and installed within the time for completion as set forth in the Code of Ordinances or the time set forth in the Ordinance approving the record plat. If the improvements are not completed within the specified time, the City, upon proper notice, may complete the improvements and recover full costs and expenses thereof from KMK DEVELOPMENT LLC, the developer, and may appropriate such portion of money or bonds posted for the faithful performance of said works.

WITNESSES to KMK DEVELOPMENT LLC signature:

KMK DEVELOPMENT LLC (DEVELOPER)

[Signature]
(Signature)

BY: [Signature]
(Signature)

Name: Brian Phillips
(Please print of type)

Name: W. Brent Phillips Managing member
(Please print of type)

WITNESSES to CITY OF MEDINA signature:

CITY OF MEDINA, OHIO

[Signature]
(Signature)

BY: [Signature]
(Signature)

Name: Sherry A. Crow
(Please print of type)

Name: Dennis Hanwell, Mayor, City of Medina

STATE OF OHIO:

MEDINA COUNTY:

ss:

Before me, a Notary Public in and for said County, this day personally appeared the above named KMK DEVELOPMENT LLC, Developer, by W. Brent Phillips its Managing member who acknowledged that he/she did sign the foregoing instrument and that the same is the free act and deed of said Developer, and the free act and deed of himself personally as such officer.

Witness my signature and notarial seal at Seville, Ohio, this 2ND day of February, 20 22

[Signature]
NOTARY PUBLIC - STATE OF OHIO
Notary Public
My commission expires 4/20/23

STATE OF OHIO:

MEDINA COUNTY:

ss:

Before me, a Notary Public in and for said County, this day personally appeared the above-named CITY OF MEDINA, OHIO, by Dennis Hanwell its Mayor who acknowledged that he/she did sign the foregoing instrument and that the same is the free act and deed of said CITY OF MEDINA, OHIO, and the free act and deed of himself personally as such officer.

Witness my signature and notarial seal at Medina, Ohio, this 1st day of March, 20 22

[Signature]
SHERRY A. CROW
Notary Public
Notary Public State of Ohio, Medina County
My Commission Expires 5-27-24

APPROVED AS TO FORM:

[Signature]
Greg Huber, City of Medina Law Director