

1 RESOLUTION NO. 2010-453

2
3 SPONSOR Mr. Pry and Mr. Kostandaras

4
5 DATE October 29, 2010 COMMITTEE: Planning

6
7 **A Resolution accepting and approving a subdivision titled “The Hammonds,” located in**
8 **Bath Township, Council District 1, for the Executive-Planning Commission and the County**
9 **Engineer, and declaring an emergency.**

10
11 WHEREAS, on October 21, 2010, the Planning Commission approved a subdivision
12 titled “The Hammonds”, concerning a subdivision located in Bath Township; and

13
14 WHEREAS, under Section 1103.07 (h) (2) of the Codified Ordinances of the County of
15 Summit and Section 711.041 of the Ohio Revised Code, the approval of this Council is a
16 prerequisite for the recording of said plat; and

17
18 WHEREAS, this Council has determined by reviewing all pertinent information that the
19 acceptance and approval of the aforementioned plat is necessary and in the best interest of the
20 County of Summit;

21
22 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
23 of Ohio, that;

24
25 SECTION 1

26
27 The subdivision, together with restrictions, covenants, and easements thereon, is hereby
28 accepted by the County of Summit, to be recorded by the County Fiscal Officer. The subdivision
29 shall be know as “The Hammonds,” and is located in Bath Township, County of Summit,
30 Council District 1.

31
32 SECTION 2

33
34 The following performance bonds furnished by **American Safety Casualty Insurance** in
35 the amount of \$157,590.00, having been submitted and approved, were accepted in conjunction
36 with “The Hammonds.” The documents are to be retained by the County Executive, who is
37 authorized to release said bonds, in part or in full, upon satisfactory completion of the obligations
38 set forth.

39
40 SECTION 3

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42 This Resolution is hereby declared an emergency in the interest of the health, safety and
43 welfare of the citizens of the County of Summit, and for the further reason that it immediately
44 facilitates development.

45
46 SECTION 4

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48 Provided this Resolution receives the affirmative vote of eight members, it shall take
49 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
50 effect and be in force at the earliest time provided by law.
51

1 RESOLUTION NO. 2010-453

2 PAGE TWO

3
4 SECTION 5

5
6 It is found and determined that all formal actions of this Council concerning and relating
7 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
8 deliberations of this Council and of any of its committees that resulted in such formal action,
9 were in meetings open to the public, in compliance with all legal requirements, including Section
10 121.22 of the Ohio Revised Code.

11
12
13 INTRODUCED October 18, 2010

14
15
16 ADOPTED October 29, 2010

17
18 Sharily F. Grew
19
20 CLERK OF COUNCIL

[Signature]
PRESIDENT OF COUNCIL

21
22
23 APPROVED October 29, 2010

24
25
26 Russell M. Puy
27 EXECUTIVE

28
29 October 29, 2010

30
31 ENACTED EFFECTIVE

Voice Vote: YES: 9-0 Komunale, Crossland, Feeman, Kostandaras, Rodgers,
Prentice, Schmidt, Shapiro, Smith Absent: Crawford, Poda

FILE COPY

REQUEST FOR MAINTENANCE AGREEMENT

Whereas, THERMAL ENGINEERING & DESIGN Co., ROBERT M. WELLS,
AND JANET CUMBERLAND

is the Title owner in fee simple of the Real Estate known as The Hammonds consisting of approximately 70.5 acres of land in Tract 18 of Bath Township, County of Summit, Ohio, and said Bath Township shall become the owner of the areas therein to be dedicated to the public use, and

Whereas, said The Hammonds Subdivision contains 12 unit parcels as set forth on the plat and amendments thereto as shall be recorded with the County of Summit Recorder, and

Whereas, said The Hammonds Subdivision contains a number of ditches, storm sewers, culverts, retention area, retention basin and general drainage areas, all of said areas being set forth on the plans showing the same as being within the drainage easements as shown on the original plan and amendments thereto, and

Whereas, the plans have been approved by a Professional Engineer registered in the State of Ohio, and

Whereas, the County Engineer, as part of the subdivision review, shall approve all of the ditches, storm sewers, culverts, retention area, retention basin and general drainage areas as shown on the original plans and plat, and

Whereas, the improvements are to be constructed by the owner under the supervision and control of the County Engineer and shall meet the approval of the County Engineer as constructed, and

Whereas, the owner agrees that this agreement along with the plan and schedules of the improvement shall be filed with the Clerk of County Council of the County of Summit to locate and establish such as a public watercourse.

This Maintenance Agreement for drainage facilities is a part of the development plan and the obligation to pay the maintenance fees shall pass with the Title to the property. There shall be inserted in each deed passing Title to any of the land herein by the owner or developer the words:

"Title to the fee includes the obligation to pay the drainage maintenance fee assessed, or to be assessed, by the County, pursuant to the Ohio Revised Code 6137 and following."

NOW, THEREFORE, the above owner wishes to have established by the Council of the County of Summit, a Ditch Maintenance Fund pursuant to Section 6131.63 and Section 6137 of the Ohio Revised Code, and have the lots and public areas assessed for said maintenance.

IN WITNESS WHEREOF, we have hereunto set our hands this 25th day of

OCTOBER,

2010.

[Signature]
Witness

[Signature]
Witness

[Signature]
WITNESS

Thermal Engineering & Design Co.
Robert M. Wells P.E. (Owner)

Robert M. Wells
(Owner)

Janet Cumberland, Robert M. Wells P.E.
(OWNER)

STATE OF OHIO, SUMMIT COUNTY, SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED Robert Wells WHO ACKNOWLEDGED THAT HE/SHE/THEY DID SIGN THE
FOREGOING INSTRUMENT AND THAT SAME IS HIS/HER/THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND OFFICIAL SEAL, AT
THIS 25th DAY OF October, 2010.



ROSE PAMER, NOTARY
STATE OF OHIO
MY COMMISSION EXPIRES: 09/15/2013

Rose Pamer
NOTARY PUBLIC

_____ SUBDIVISION RECORDED

IN CABINET _____ SLIDES _____

WAIVER OF NOTICE OF PUBLIC MEETING

We, the undersigned, being all the owners affected by the Request for Maintenance Agreement which has been submitted by us on behalf of the THE HAMMONDS Subdivision, hereby waive the holding of said public meeting since there are not other owners to object to said assessment, and hereby request that the said Maintenance Fund be immediately enacted.

Thermal Engineering Design Co.
Robert M. Wells Pres.
(Owner)

Robert M. Wells

(Owner)

Janet Cumberland, Robert M. Wells POA
(OWNER)

STATE OF OHIO, SUMMIT COUNTY, SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Robert Wells WHO ACKNOWLEDGED THAT HE/SHE/THEY DID SIGN THE FOREGOING INSTRUMENT AND THAT SAME IS HIS/HER/THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND OFFICIAL SEAL, AT

Akron, OH THIS 25th DAY OF October, 2010.

Rose Pamer
NOTARY PUBLIC

This instrument was prepared by:

Robert M. Wells

(Owner)



ROSE PAMER, NOTARY
STATE OF OHIO
MY COMMISSION EXPIRES: 09/15/2013

10-453 FILE COPY

Bond # ASB519565

PERFORMANCE BOND

Robert M. Wells
Janet Cumberland, Robert M Wells POA
Thermal Engineering & Design Co.

KNOW ALL MEN BY THESE PRESENTS, THAT _____,

(hereinafter referred to as the PRINCIPAL), and American Safety Casualty Insurance Company Inc

a corporation organized under the laws of the State of Oklahoma,

having its principal place of business in the City of Calabasas, Ca,

(hereinafter referred to as the SURETY), are held firmly bound unto the EXECUTIVE

OF THE COUNTY OF SUMMIT, OHIO, (hereinafter called the OBLIGEE), in the sum of

\$157,579.00 DOLLARS, for the payment whereof to the OBLIGEE, the PRINCIPAL

binds himself, herself, themselves, itself, his, her, their, its heirs, administrators,

executors, successors and assigns and the SURETY binds itself, its successors, and

assigns, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, said PRINCIPAL has presented the record plat of the The Hammonds

Allotment located in Lot(s) 18, Bath,

Township, County of Summit, Ohio, to the OBLIGEE for his approval, and for the

dedication and establishment of the streets, roads, and public ways shown on said

record plat, and for the acceptance of the same and the easements shown thereon for

public uses; this bond is for coverage relating to STORM SEWER (X), PAVING (X),

MISCELLANEOUS (X), as itemized and on file with the Summit County Engineer.

WHEREAS, the Summit County Planning Commission did on October 21, 2010 give

preliminary approval of said allotment and on October 21, 2010 did give final approval

thereto, subject to the completion of all conditions precedent as described by the Rules

and Regulations of the OBLIGEE, adopted by them as made effective on May 24, 2010,

and known as the County of Summit Subdivision Regulations, made a part hereof as

though fully written herein; and

WHEREAS, pursuant to Section 711.101 Revised Code, the OBLIGEE did adopt as effective May 24, 2010, certain Rules and Regulations governing the subdivision of lands in the unincorporated area of Summit County, and which did establish, among other things, standards and specifications for the construction of streets, roads, open and closed storm sewer systems, bridges and all appurtenances, and easements to these requirements, and did make the complete construction and installation of said improvements, a condition precedent to the recording of a subdivision plat in said unincorporated area; and did provide that in lieu of actual construction and installation, a performance bond be required therefore; and

WHEREAS, the County Engineer did on October 25, 2010 cause an inspection to be made of said The Hammonds Allotment and did find that the required construction and installation was not complete; and did recommend a Performance Bond in the amount of \$157,579.00 DOLLARS in lieu of said required construction and installation for the said STORM SEWER (X), PAVING (X), MISCELLANEOUS (X).

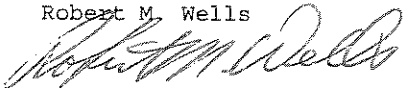
NOW THEREFORE, if the said PRINCIPAL shall, on or before eighteen (18) months from date of approval of the Record Plat by the Summit County Executive, construct the said STORM SEWER (X), PAVING (X), MISCELLANEOUS (X) for the streets and roads shown upon said record plat of the The Hammonds Allotment, whose establishment, dedication and acceptance were a condition precedent to the recording of said allotment; shall construct the said STORM SEWER (X), PAVING (X), MISCELLANEOUS (X); all in accordance with the standards and specifications set forth in the aforementioned Rules and Regulations, and to the complete satisfaction of the County Engineer and the OBLIGEE; and if said PRINCIPAL shall save said OBLIGEE harmless from any and all actions, loss, injury, damage or liability of whatsoever nature arising by reason of the conditions of said STORM SEWER (X), PAVING (X), MISCELLANEOUS (X), prior to, or during construction of said improvement, and from

any and all actions, loss, injury, damage or liability of whatsoever nature which may arise or grow out of the construction of said improvement, and shall pay just and lawful claims for labor performed upon, and for material, fuel, and machinery furnished for said improvements, it being understood that this undertaking shall be for the use of any laborer, fuel, machinery or material person having a just claim, as aforesaid, as well as for the OBLIGEE; then this obligation shall be void; otherwise it shall remain in full force and effect.

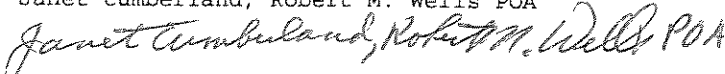
IN WITNESS WHEREOF, we have hereunto set our hands this 28th day of October, AD, 20 10.

PRINCIPAL:

Robert M. Wells



Janet Cumberland, Robert M. Wells POA



Thermal Engineering & Design Co.



SURETY: American Safety Casualty Insurance Company, Inc.



Mark Levinson (Attorney-in-Fact)

Please attach power of attorney and Certificate of Compliance.

APPROVED AS TO FORM:

ASSISTANT PROSECUTING ATTORNEY
SUMMIT COUNTY, OHIO



NUMBER
ASB-519565

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that American Safety Casualty Insurance Company has made, constituted and appointed, and by these presents does make, constitute and appoints MICHELLE HIRSCH, MARK LEVINSON, TODD STEIN, KERRY GREGOIRE

its true and lawful attorney-in-fact, for it and its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertaking and contracts of suretyship to be given to

ALL OBLIGEEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

*****ONE MILLION***(\$1,000,000.00) DOLLARS*****

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company of the 6th day of August, 2009.

RESOLVED, that the President in conjunction with the Secretary or any Assistant Secretary may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bands, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such persons.

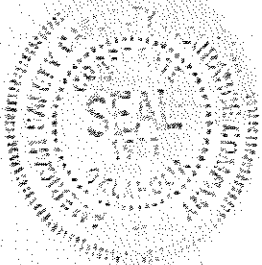
RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the company when:
(i) when signed by the President or any Vice-President and attested and sealed (if a seal is required) by any Secretary or Assistant Secretary or (ii) when signed by the President or any Vice-President or Secretary or Assistant Secretary, and counter-signed and sealed (if a seal is required) by a duly authorized attorney-in-fact or agent; or (iii) when duly executed and sealed (if a seal is required) by one or more attorney-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

RESOLVED FURTHER, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effects as though manually affixed.

IN WITNESS WHEREOF, American Safety Casualty Insurance Company has caused its official seal to be hereunto affixed, and these presents to be signed by its President and attested by its Secretary this 6th day of August, 2009

Attest:

Ambuj Jain



Joseph D. Scollo, Jr.

STATE OF GEORGIA)
)
COUNTY OF COBB)

On this 6th day of August, 2009, before me personally came Joseph D. Scollo, Jr., to me known, who, being by me duly sworn, did depose and say that he is the President of American Safety Casualty Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

JAMI BAILEY
Notary Public, Hall Co., GA
My Commission Expires Aug. 13, 2012

Jami Bailey, Notary Public

I, the undersigned, Secretary of American Safety Casualty Insurance Company, an Oklahoma corporation, DO HEREBY CERTIFY, that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed in the City of Atlanta, in the State of Georgia Dated this 28 day of October, 2010

Ambuj Jain

Effective Date: September 27, 1984

Expiration Date: April 1, 2011

State of Ohio
Department of Insurance
Certificate of Authority

This is to Certify, that

**AMERICAN SAFETY CASUALTY INSURANCE
COMPANY INC**

NAIC No. 39969

is authorized in Ohio to transact the business of insurance as defined in the following section(s)
of the Ohio Revised Code:

Section 3929.01 (A)

Aircraft
Allied Lines
Boiler & Machinery
Burglary & Theft
Commercial Auto - Liability Other
Commercial Auto - No Fault
Commercial Auto - Phys. Damage
Earthquake
Fidelity
Fire
Glass
Inland Marine
Medical Malpractice
Multiple Peril - Commercial
Multiple Peril - Farmowners
Multiple Peril - Homeowners
Ocean Marine
Other Liability
Private Passenger Auto - No Fault
Private Passenger Auto-Liability Other

Private Passenger-Phys Damage
Surety
Workers Compensation

This Certificate of Authority is subject to the laws of the State of Ohio.



Ted Strickland, Governor


Mary Jo Hudson, Director