

ORDINANCE NO. 2021-011

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, THE STREETS, EASEMENTS AND DEDICATED OPEN SPACES OF RIVER BEND EAST SUBDIVISION PHASE V, AND DECLARING AN EMERGENCY.

WHEREAS, the Developer for Phase V of River Bend East Subdivision has substantially completed the phases, and has made arrangements to escrow funds sufficient to cover the costs of completing the remaining items listed on the punch list marked Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the Developer has delivered to the City the necessary dedication plat for the subdivision, a copy of which is marked Exhibit "B", and placed on file with the Clerk of Council.

WHEREAS, the Developer has further delivered to the City a title insurance policy in compliance with Section 1189.04(f) of the Codified Ordinances; and

WHEREAS, the Development Engineer for the City has given her opinion that Phase V of the River Bend East Subdivision should be accepted for dedication purposes; and

WHEREAS, the Developer has posted a maintenance bond in the amount of \$36,357.88.

WHEREAS, the Developer has posted a performance completion bond in the amount of \$7,619.00 marked Exhibit "C", attached hereto and incorporated herein; and

WHEREAS, in accordance with Section 1181.09(a) of the Codified Ordinances, a committee of Council has reviewed whether the requirements of the Subdivision Regulations of the City have been met by the Developer for the subject phases of the Subdivision and has recommended to Council that the City accept the streets, easements and dedicated open spaces as contained in these phases of the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Council does hereby accept for dedication purposes, Phase V of the River Bend East Subdivision as the same is shown upon the copy of the dedication plat marked Exhibit "B", attached hereto and incorporated herein.

SECTION 2. That Council does hereby direct the President and Clerk of Council to sign the original dedication plat, evidencing the dedication approval as authorized herein.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City for the reason that it is immediately necessary to allow for the conclusion of the dedication process for this phase of the subject subdivision, for which reason and other reasons manifest to

this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: February 17, 2021
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: February 17, 2021
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2021-011, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON February 17, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

EXHIBIT A
RIVERBEND EAST S/D PHASES 4
08/12/20
PUNCH LIST

| Pay Item No. | Description | Unit | Unit Price | Design Qty. | Design Amount |
|--------------|----------------------------------|------|------------|-------------|---------------|
| 1 | Concrete City Sidewalk, Per Plan | S.F. | \$4.00 | 239.48 | \$957.92 |
| 2 | Trees | EA | \$250.00 | 11.00 | \$2,750.00 |

Original Project Construction Amount: \$3,707.92
Original Project Contingency Amount (10%): \$370.79
Original Project Budget Amount: \$4,078.71

Maintenance Bond (10% of original cost budget amount) \$41,577.61

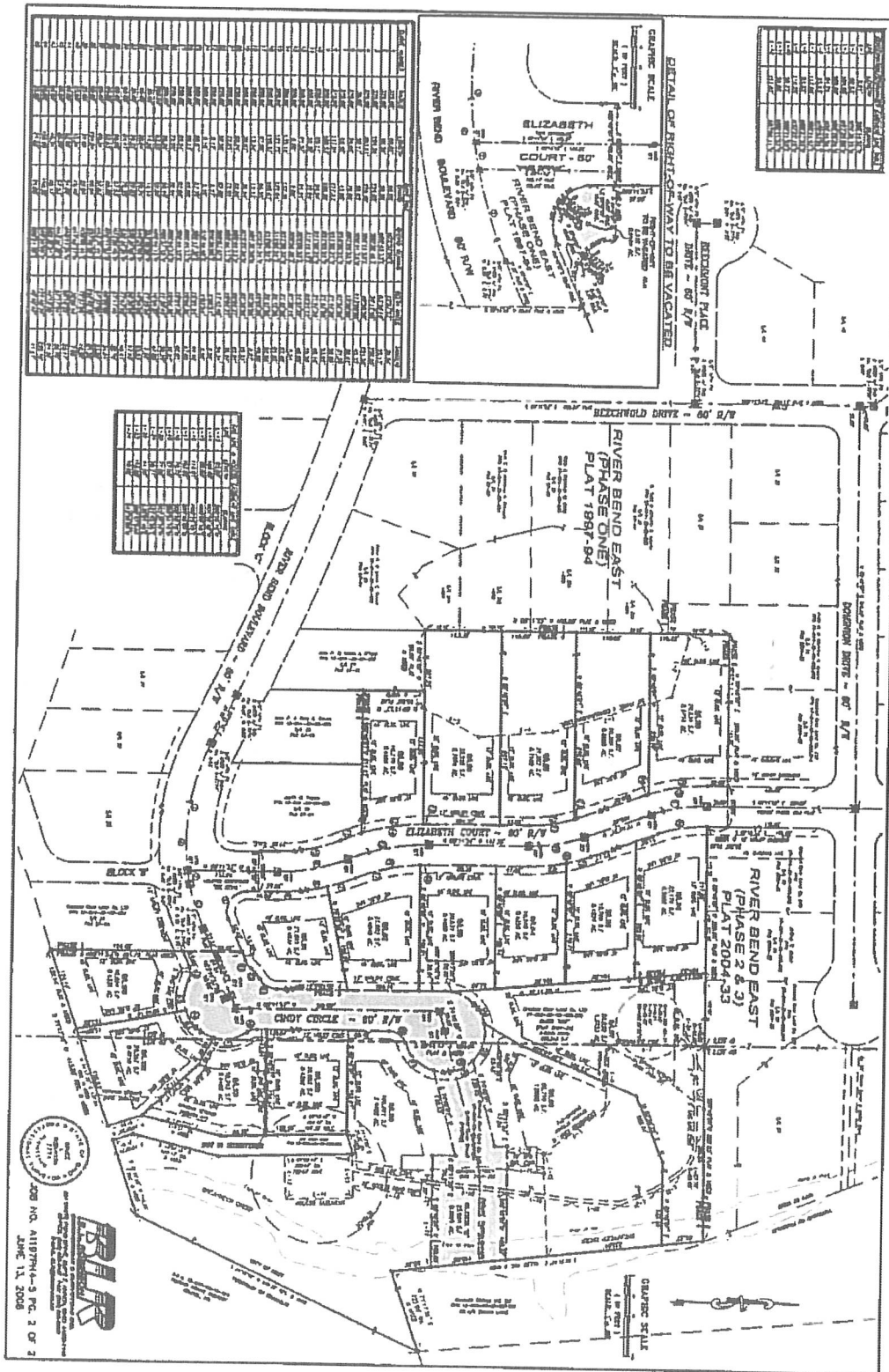
EXHIBIT A
RIVERBEND EAST S/D PHASES 5
08/12/20
PUNCH LIST

| Pay Item No. | Description | Unit | Unit Price | Design Qty. | Design Amount |
|--------------|----------------------------------|------|------------|-------------|---------------|
| 1 | Concrete City Sidewalk, Per Plan | S.F. | \$4.00 | 367.11 | \$1,468.44 |
| 2 | Trees | EA | \$250.00 | 7.00 | \$1,750.00 |

Original Project Construction Amount: \$3,218.44
Original Project Contingency Amount (10%): \$321.84
Original Project Budget Amount: \$3,540.28

Maintenance Bond (10% of original cost budget amount) \$36,357.88

Ex B





9100 SOUTH HILLS BLVD, SUITE 350 BROADVIEW HEIGHTS, OH 44147
 P: E: contract.surety@rlcorp.com
 RLISURETY.COM

Ex. C

CONTINUATION CERTIFICATE

RLI Insurance Company hereby continues in force Bond No. SSB0388179
 briefly described as River Bend E. Subdivision Phases 4 & 5, Earthwork, Sanitary Storm Sewer
 bound unto the The City of Kent
 on behalf of OTTO FALKENBERG EXCAVATING INC

| | |
|--|---|
| Location Name & Address: <u>OTTO FALKENBERG EXCAVATING INC</u> <u>9350 Coit Road</u> <u>Mantua, OH 44255</u> | Bill To Name & Address (if different): |
|--|---|

in the sum of \$ 7,619.00 Dollars, for the term beginning 07/17/2020
 and ending 07/17/2021 subject to all the covenants and conditions of the original bond referred to above.

This Continuation Certificate is executed upon the express condition that the undersigned company's liability under said bond and under this and all Continuation Certificates issued in connection therewith shall not be cumulative and shall not in any event exceed the amount of said bond as hereinbefore set forth.

Dated this 23rd day of October, 2020.



RLI Insurance Company

By Cheryl May
 Cheryl May Attorney in Fact

THIS MUST BE FILED WITH THE OBLIGEE.

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That RLI Insurance Company and/or Contractors Bonding and Insurance Company, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Bruce W. Lockhart, David J. Black, Louis A. Colagrossi, Mark N. Coleman, Mary Ann Copley, Lori A. Proch, Gary E. Roadruck,
Stephanie A. Rook, Kyp L. Ross, Sue A. Brandal, Nicole Green, Kristine M. Heinrich, Cheryl C. May, Sharon Holland, Sarah Poling,
Matt DeVenne, Annette Meredith, John Mitchell, Robin A Miller, jointly or severally

in the City of Richfield, State of Ohio its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or Contractors Bonding and Insurance Company, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the RLI Insurance Company and/or Contractors Bonding and Insurance Company, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 19th day of October, 2020.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: B. W. Davis
Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

CERTIFICATE

On this 19th day of October, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the RLI Insurance Company and/or Contractors Bonding and Insurance Company and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of RLI Insurance Company and/or Contractors Bonding and Insurance Company, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the RLI Insurance Company and/or Contractors Bonding and Insurance Company this 23rd day of October, 2020.

By: Catherine D. Glover
Catherine D. Glover Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jeffrey D. Fick
Jeffrey D. Fick Corporate Secretary

