

RESOLUTION NO.: 72-2012
INTRODUCED BY: Morgan

A RESOLUTION AUTHORIZING THE AMENDMENT OF THE DETAILED DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS FOR THE WOODS OF RICHMOND SUBDIVISION WITH RESPECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RELATED TO A BUFFER EASEMENT AREA.

WHEREAS, pursuant to Resolution No. 55-2005, passed by this Council on September 27, 2005, a final plat was approved for the Woods of Richmond Subdivision (hereinafter, the "Subdivision") which included the requirement of a Declaration of Covenants and Restrictions upon Sublots 1-18 and Sublots 21-48 (hereinafter, the "Sublots") of the Subdivision in order to provide for a natural buffer easement area to meet the exterior setback and common area requirements for the cluster development in Section 1135.03 of the Zoning Code and the Subdivision plan adopted pursuant to an agreed consent order by the court; and

WHEREAS, upon the development of Phase I of the Subdivision and the construction of homes in Phase I on the Sublots, it has been determined between the owners of the Sublots and City officials that more specific regulations should be set forth in the Declaration, as recorded with Cuyahoga County at Record No. 200512290502, for the required buffer easement area which regulation currently states, "There shall be no disturbance of natural vegetation, except for the removal of trees within the Easement Area if, in the sole determination of the City, they constitute a danger to persons or property"; and

WHEREAS, the owners of the Sublots have requested the ability to perform limited clean up and landscaping of the buffer easement area and, based on discussion between the owners, City officials and the Planning Commission, reasonable regulations have been agreed upon to be placed in the Declaration as an amendment thereto; and

WHEREAS, this Council desires to adopt the proposed Regulations as an amendment to the Declaration, provided all owners of the Sublots agree thereto;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: An amendment to the detailed development plan and plat for the Woods of Richmond Subdivision in the form of an amendment to the Declaration of Covenants and Restrictions set forth in the Preamble to this Resolution is hereby approved in order to add the provisions as generally set forth in Exhibit A, attached hereto and fully incorporated herein by reference, and as shall be incorporated into an amendment to the Declaration by the Director of Law.

Section 2: The amended Declaration shall not take effect until it is executed by the Mayor of the City of Richmond Heights and all owners of the Sublots and recorded with the Cuyahoga County Office of the Fiscal Officer.

Section 3: Upon complete execution of the amended Declaration approved herein, the Director of Law is authorized to cause the amended Declaration to be recorded with the Cuyahoga County Fiscal Officer.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council

EXHIBIT A

SUMMARY OF PROVISIONS TO BE ADDED TO THE DECLARATION OF COVENANTS AND RESTRICTIONS AS CURRENTLY RECORDED WITH CUYAHOGA COUNTY RECORDS AT NO. 200512290502

1. Specifically permit removal of dead trees and branches.
2. Permit removal of weeds and brush and the cutting of tall grasses dependent upon approval and inspection of a landscape plan by the City Building Department with the recommendation of the City Landscape Architect pursuant to the substantive requirements of Zoning Code Section 1177.05, but with only native Northeast Ohio plantings as taken from an approved list of the City Landscape Architect. (Cost of City Landscape Architect's review and inspection to be borne by owner.)
3. All trees with a 4-inch caliper at the base shall not be disturbed.
4. Vegetable and/or flower gardens are permitted as long as they are not a raised garden, but limited to 25% of the easement area and set back from the rear property line at least 6 feet.
5. No structures of any kind shall be permitted, including, but not limited to, play sets, pools, walls, fences, etc.
6. Small signs will be provided by the City or Homeowners Association to designate the buffer/conservation easement area on each side lot line and must not be disturbed.