

RESOLUTION NO.: 32 -2008  
INTRODUCED BY: Morgan

**A RESOLUTION APPROVING A REVISED FINAL PLAT FOR PHASE I  
OF THE HIGHLAND RIDGE SUBDIVISION RESIDENTIAL CLUSTER  
DEVELOPMENT.**

WHEREAS, the Planning Commission has recommended the approval of a proposed revised final plat for Phase I of the Highland Ridge Subdivision residential cluster development which is being developed at Highland Road and Donna Drive in the City by DMD Richmond, LLC ("DMD"); and

WHEREAS, the Planning and Zoning Committee of this Council reviewed the proposed revised final plat and recommended the following:

- A. Consistent with the proposed revised plat, approve reconfiguration of the lot lines for Lot Nos. 65, 66, 67, 68, 69, 72, 73 and 74 so as to be located outside of the flood plain, but maintain the 5,000 square foot minimum lot area required for each lot and approve the reduction of certain lot depths from 150 to 145 feet provided all minimum yard setback requirements are complied with upon the construction of homes on the lots;
- B. The City of Richmond Heights agrees to accept as grantee a conservation easement over the area shown on the plat for a limited term not to exceed September 1, 2008 and to execute a conservation easement agreement to that effect; and
- C. Deny the proposal to create a non-developed area designated as "Block Q" (the area formerly approved with a private street and townhouse lots).

WHEREAS, upon due consideration and consultation with DMD, this Council desires to approve the recommendation of the Planning and Zoning Committee of Council in furtherance of the public health, safety and general welfare of the residents of the City; and

WHEREAS, subsequent to the Council Committee's recommendation, DMD has agreed to replace the proposed Block Q shown on the proposed revised plat with the private street layout originally proposed for the plat of Phase I and the final development plan but with certain lots for townhomes being either reconfigured or eliminated in favor of a detached single-family home lot, as set forth on a modified revised plat document submitted to Council on April 8, 2008, and reviewed by the City Engineers Office;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: This Council approves the revised final plat for Phase I of Highland Ridge single-family residential cluster development subdivision submitted by DMD Richmond, LLC designated as File #12309D-phl-sp-rev6, dated April 4, 2008, and as submitted to this Council on April 8, 2008 with the following conditions:

- A. Prior to recording of the revised plat with the County Recorder, the City and DMD shall enter into a conservation easement agreement that is mutually acceptable to both parties for protection of the conservation easement area as set forth on said revised plat; and this Council hereby authorizes the acceptance of the conservation easement with the City being the grantee and authorizes the Mayor to execute an agreement for the same;
- B. The City shall only be obligated to serve as the grantee of the conservation easement through and including September 1, 2008, unless another responsible entity, suitable to both parties, agrees to be the grantee of the conservation easement before September 1, 2008;
- C. In the event a grantee for the conservation easement is not substituted for the City by September 1, 2008, the grantor DMD, or its successors in interest and assigns, shall be obligated to adhere to the terms of the conservation easement agreement referred to in subpart A above until an appropriate grantee of the conservation easement is substituted by the parties and the City shall have the continuing right, but not the obligation, to enforce the conservation easement; and
- D. Prior to recording of the revised plat with the County Recorder, the City shall give final approval of all declarations of covenants, conditions, restrictions and reservation of easements for the subdivision, as well as all bylaws, codes of regulations and design guidelines of homeowners association(s) for Phase I of this subdivision.

Section 2: The Clerk is hereby instructed to mail, by certified mail return receipt requested, a copy of this Resolution to the applicant.

Section 3: 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 4: The 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