

ORDINANCE NO. 46-75

CITY OF CENTERVILLE, OHIO

Sponsored by Councilman J. W. Adams on the 16th day of June, 1975.

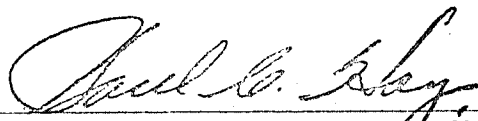
AN ORDINANCE AMENDING ORDINANCE 15-61 BY REQUIRING AN AGREEMENT FROM THE APPLICANT AND THE POSTING OF A PERFORMANCE BOND AND A BOND GUARANTEEING REPLACEMENT OF LANDSCAPING WHICH FAILS TO GROW IN B-3 AND EC DISTRICTS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Section 20, Conditional Uses, Requirements and Procedures, of Ordinance 15-61, The Zoning Ordinance, is hereby amended by adding the following:

H. In the case of an application for a conditional use in any B-3 or EC district, the approval of the Planning Commission shall be conditioned upon the applicant's entering into an agreement with the City to assure the installation of all landscaping provided for in the Development Plan within a reasonable length of time. Performance of the applicant's obligations under said agreement shall be secured by a performance bond with corporate surety satisfactory to the Municipal Attorney equal to the cost of labor and materials for the said installation based on an estimate furnished or approved by the City Engineer. This bond will be accepted on the basis that said installation will be completed within the time specified in the time agreement. In the event the said installation is not completed within the time specified, then the City may relet the contract and the applicant and the bonding company will be severally and jointly liable for the costs thereof. Said agreement shall also provide for the giving of a bond by applicant for the cost of replacement of any or all of said landscaping installation which fails to survive in live form for one year following the date upon which the landscaping installation was completed. Said bond shall be given by the applicant upon the completion of the landscaping installation and the release of the performance bond by the City Council. The bond shall be with a corporate surety satisfactory to the Municipal Attorney and shall be in an amount equal to said cost of replacement which cost shall be determined by the City Engineer. In the event landscaping which fails to survive in live form for one year is not replaced by the applicant within the said one-year period, the City may cause said replacement to be performed and the applicant and the bonding company will be jointly and severally liable for the costs thereof.

Section 2. This ordinance shall become effective from and after the earliest date allowed by law.



Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn A. ...
Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance No. 46-75 passed by the Council of the City of Centerville, Ohio, on the 16th day of June, 1975.

Marilyn A. ...
Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & ...

Robert R. ...
Municipal Attorney