

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 90045

Resolution No.

3536

Passed

May 27, 2009

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CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

A RESOLUTION TO Approve THE REQUEST TO ELIMINATE AMENITIES FROM THE PREVIOUSLY APPROVED PRELIMINARY SITE PLAN, STAGE 2 REQUEST OF DAVID OAKES AGENT FOR SORAYA FARMS INC. R-1 PUD.

WHEREAS the properties are identified by 05-27-177-0070, 05-27-177-0080, 05-27-177-0090, 05-27-177-0100, 05-27-177-0110, 05-27-177-0120, 05-27-177-0130, 05-27-177-0140, 05-27-177-0150, 05-27-177-0160, 05-27-177-0170, 05-27-177-0180, 05-27-177-0190, 05-27-177-0200, 05-27-177-0210, 05-27-177-0220, 05-27-177-0230, 05-27-177-0240, 05-27-177-0250, 05-27-335-0010, 05-27-335-0020, 05-27-335-0030, 05-27-335-0040, 05-27-335-0050, 05-27-335-0060, 05-27-335-0070, 05-27-173-0010, 05-27-173-0020, 05-27-177-0260, 05-27-177-0270, 05-27-177-0280, 05-27-177-0290, 05-27-177-0300, 05-27-177-0310, 05-27-176-0170. These properties are in Section 27, Town 3 and Range 5 in Clearcreek Township; and

WHEREAS the Stage 2 R-1PUD & B-1 PUD Preliminary Site Plan, subject to fifty-five (55) conditions was approved on March 15, 2007 via Trustee Resolution 3209; and

WHEREAS the Amenities were identified in Trustee Resolution 3209:

52. The following items will be defined as amenities for Soraya Farms:

- a. Open Space as identified on Soraya Farms Exhibit C Openspace Plan, received February 7, 2007.
- b. Trail network as identified on Soraya Farms Exhibit C Openspace Plan, Preliminary Plat (C1.03, C1.04 and C1.05) received February 7, 2007 and Leahy Berming/Landscape Plan received February 26, 2007.
- c. Clubhouse as identified on Soraya Farms Landscape Plan L1.02, and Architectural Drawings received February 7, 2007.
- d. Pool as identified on Soraya Farms Landscape Plan L1.02 received February 7, 2007.
- e. Tennis and Volleyball Court as identified on Soraya Farms Landscape Plan L1.02 received February 7, 2007.
- f. Overlook Structure as identified on Soraya Farms Landscape Plan L1.02 received February 7, 2007.
- g. Ponds as identified on Soraya Farms Preliminary Plat (C1.04, C1.05) received February 7, 2007.
- h. Clubhouse amenities and retail amenities as identified on the documents received February 26, 2007.
- i. If an amenity is identified to exist within a phasing section, it shall be built at the same time as the public improvements.
- j. Recreational amenities shall be installed prior to final site plan approval for twenty (20) percent of the proposed residential dwellings.

WHEREAS, on April 29, 2009 the Zoning Department received a Letter of Intent Requesting the Modification of the Amenities Plan for the Soraya Farms R-1PUD. Specifically the request is to modify Condition 52 (j) of Trustee Resolution 3209 to read: One (1) the trail network and additional ponds shall be installed along with the construction in the phase where the trails or ponds are located; and Two (2) the remainder of the amenities that have not yet been installed shall be installed as the community expands and warrant their use. These include the tennis & volley ball court, the overlook structure for the large pond and the Retail Amenities; and

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WHEREAS, on May 13, 2009 the Trustees denied the modification request via Trustee Resolution 3532. Staff was directed to prepare a resolution that removed the amenities under discussion from the R-1PUD; and

WHEREAS, the following amenities per the agent are not yet warranted for use by the Soraya Farms Community: tennis court, volley ball court, and the overlook structure for the large pond. Trustee Resolution 3209 (j) required their installation, since each existed in the approved final plat for Section 1. In order for the agent to procure final site plan approval for more than twenty (20) percent of the proposed residential dwellings, an oral request was made to eliminate the identified amenities from the R-1 PUD. The agent was instructed that in order to have the amenities re-established, if desired, a Stage 2 request to the Trustees would be required; and

NOW THEREFORE, BE IT RESOLVED by the Board of Clearcreek Township Trustees to Approve the request to eliminate the following amenities: tennis court, volley ball court, and the overlook structure for the large pond from the previously approved Preliminary Site Plan, Stage 2 request of David Oakes agent for Soraya Farms Inc. R-1 PUD.

Mr. Wade moved to adopt the foregoing Resolution.
Mr. Lamb seconded the motion and upon the call of the roll the following vote resulted:

Dr. McDonald- Yea
Mr. Wade- Yea
Mr. Lamb- Yea

Resolution adopted at a regular public meeting conducted May 27, 2009.

THE BOARD OF CLEARCREEK
TOWNSHIP TRUSTEES

Ed Wade
Dr. McDonald
R. Lamb