

EXHIBIT A

ORDINANCE NO. 138-14

AVON 83, LLC (The MarketPlace at Avon)

AMENDMENTS TO SUBDIVIDER AGREEMENT ORIGINALLY PASSED ON JUNE 3, 2013 PER ORDINANCE NO. 74-13.

1. Paragraph 2. Engineer's Estimated Cost of Public Improvements - which currently reads:

The City Engineer has reviewed the estimated costs of construction of Public Improvements as submitted by the Developer's Engineer and concurs with said estimated cost in the amount of Thirty-Four Thousand, Nine Hundred Fourteen and 80/100 (\$34,914.80) Dollars.

shall be amended as follows: (New language in Bold)

- Paragraph 2. Engineer's Estimated Cost of Public Improvements - which currently reads:

The City Engineer has reviewed the estimated costs of construction of Public Improvements as submitted by the Developer's Engineer and concurs with said estimated cost in the amount of **Forty Eight Thousand Twenty Four and 80/100 (\$48,024.80)** Dollars.

2. Paragraph 8. Deposit for Miscellaneous Costs.

In order to provide the City with adequate funds to cover miscellaneous costs incurred by the City relating to this Development, the Developer shall deposit the sum of One Thousand, Five Hundred and 00/100 (\$1,500.00) Dollars with the Director of Finance of the City of Avon. This deposit shall be made prior to an ordinance to accept Public Improvements pertinent to the Development being placed on Council's agenda for action. This deposit shall be held by the Director of Finance for a period of three (3) years from the date of Council's acceptance of the Public Improvements in said Development by ordinance.

shall be amended as follows: (New language in Bold)

- Paragraph 8. Deposit for Miscellaneous Costs.

In order to provide the City with adequate funds to cover miscellaneous costs incurred by the City relating to this Development, the Developer shall deposit the sum of **Two Thousand and 00/100 (\$2,000.00)** Dollars with the Director of Finance of the City of Avon. This deposit shall be made prior to an ordinance to accept Public Improvements pertinent to the Development being placed on Council's agenda for action. This deposit shall be held by the Director of Finance for a period of three (3) years from the date of Council's acceptance of the Public Improvements in said Development by ordinance.

3. Paragraph 11. Maintenance Bond.

Prior to being placed on Council's agenda for acceptance of Public Improvements in this Development, Developer shall deposit with the Director of Finance a Three (3) year maintenance bond for the sanitary sewer and facilities appurtenant thereto in the amount of Three Thousand Four Hundred Ninety-One and 00/100 (\$3,491.00) Dollars, which represents ten percent (10%) of the estimated cost of said Public Improvements.

shall be amended as follows: (New language in Bold)

Paragraph 11. Maintenance Bond.

Prior to being placed on Council's agenda for acceptance of Public Improvements in this Development, Developer shall deposit with the Director of Finance a Three (3) year maintenance bond for the sanitary sewer and facilities appurtenant thereto in the amount of **Four Thousand Eight Hundred Two and 00/100 (\$4,802.00)** Dollars, which represents ten percent (10%) of the estimated cost of said Public Improvements.

4. Paragraph 22. Engineer's As-Built Documents.

Subdivider shall file with the City's Engineer as-built documents prior to an ordinance being placed on Council's agenda for acceptance of improvements in this Subdivision. The as-built documents shall be submitted in hard copy or, if generated by such means, in electronic form. Hard copy shall be on reproducible mylar. Electronic copy shall be submitted on the appropriate digital media in DXF or DWG format.

shall be amended as follows: (New language in Bold; deleted language strike out)

Paragraph 22. Engineer's As-Built Documents.

Subdivider shall file with the City **Engineer Planning Department** as-built documents **per City Construction Standards and City Planning Ordinances** prior to an ordinance being placed on Council's agenda for acceptance of **Public** improvements in this Subdivision. The as-built documents shall be submitted in hard copy ~~or, if generated by such means, in~~ **and** electronic form. ~~Hard copy shall be on reproducible mylar.~~ Electronic copy shall be submitted on the appropriate digital media in ~~DXF or DWG~~ **and PDF** formats.

5. Paragraph 23. Stormwater Drainage Improvement Fund.

Prior to being placed on Council's agenda for acceptance of improvements in this Development, Developer shall deposit with the Director of Finance the sum of Three Hundred, Sixteen Dollars and 00/100 Cents (\$316.00). This deposit shall be placed into City Fund No. 273 in accordance with ACO §1050.193. (\$650 x 0.486 acres)

shall be amended as follows: (New language in Bold)

Paragraph 23. Stormwater Drainage Improvement Fund.

Prior to being placed on Council's agenda for acceptance of improvements in this Development, Developer shall deposit with the Director of Finance the sum of **Five Hundred, Sixty Three Dollars and 41/100 Cents (\$563.41)**. This deposit shall be placed into City Fund No. 273 in accordance with ACO §1050.193. (**\$759.11 x 0.7422** acres)

6. Paragraph 24. Storm Water Detention and Fee - which currently reads:

Due to the location of this Development, the City Engineer requires on-site storm water detention. The City's storm water detention fee for this phase of development is calculated to be \$2,804.48. (Developed Area (0.486 Acres x \$5,770.54/Acre.) As such, the Engineer's estimated credit for the cost of construction of on-site storm water detention in prior phases, including the cost of land, exceeds the storm water detention fee for this phase as provided for in Ordinance No. 44-93. Therefore, pursuant to Ordinance No. 44-93, no storm water detention fee shall apply to this Development.

shall be amended as follows: (New language in Bold)

Paragraph 24. Storm Water Detention and Fee - which currently reads:

Due to the location of this Development, the City Engineer requires on-site storm water detention. The City's storm water detention fee for this phase of development is calculated to be **\$4,735.04**. (Developed Area (**0.7422 Acres x \$6,379.73/Acre.**) As such, the Engineer's estimated credit for the cost of construction of on-site storm water detention in prior phases, including the cost of land, exceeds the storm water detention fee for this phase as provided for in Ordinance No. 44-93. Therefore, pursuant to Ordinance No. 44-93, no storm water detention fee shall apply to this Development.

IN WITNESS WHEREOF, this Amendment to the Subdivider's Agreement is executed at Avon, Ohio, this _____ day of _____, 2014.

WITNESSES:

AVON 83, LLC

By: _____

David B. Orlean, Member

CITY OF AVON

By: _____
Bryan K. Jensen, Mayor

By: _____
Craig Witherspoon, Council President

Approved as to Form

John A. Gasior, Esq.
Law Director
City of Avon