

# **EMERALD LAKE DEVELOPMENT AGREEMENT**

**September 15, 2004**

In addition to the matters visually illustrated and described in the Emerald Lake Concept and Final Development Plan, dated April, 2004 and as subsequently revised June 2, 2004; June 10, 2004; and June 18, 2004 (the "Final Plan"), the undersigned Welsh Development Co. Inc. (the "Developer") states and agrees that the terms, requirements and conditions stated herein constitute a material part of the Final Plan of said Emerald Lake Planned Unit Development (the "Development"), which constitutes an amendment to and a part of the Zoning Ordinance of the City of Fairfield, Ohio and shall be enforceable as a zoning ordinance of the City in addition to any other applicable City Ordinances. The Final Plan was approved by Fairfield Ordinance No. 108-04 adopted by the Fairfield City Council on 6-28-04. The additional terms, requirements and conditions are as follows:

## **Building and lot Configuration**

1. The area shown on the plan as "The Reserves" is intended to add diversity of housing into the Development. "The Reserves" area will be finally platted as one complete and separate phase of the Development. Developer will offer lots within "The Reserves" for sale to private individuals and custom homebuilders for a minimum period of ninety (90) days after the final plat of the Reserves phase is recorded. In order to promote diversity of housing in the reserves, Developer agrees that no homebuilder or individual will be permitted to purchase more than two lots within the

90-day purchase period. Developer will report the progress of sales after the 90-day period to the Planning Commission.

2. A minimum of seventy-five percent (75%) of the homes within the Development shall have side-entry garages.
3. All three car garages or greater shall be side-entry.
4. Brick, drivet, stone or comparable building material shall be required for the front facade and on the entire first floor elevations of the remaining sides of the homes. Exposed foundation walls shall not exceed 24 inches in height.
5. Each lot and house shall have a minimum of a 5-foot side yard setback on any one side and a minimum of 20 feet of total side yard setback for both side yards.
6. All structures and architectural features must be at least 5 feet from any side ~~or rear~~ property line.
7. All corner lots shall maintain a rear yard setback.
8. There shall be a minimum of two ranch style home plans available in the subdivision to be offered by Ryan Homes or their successors and/or assigns.
9. Lots 152 and 153 as shown on the Final Plan are to be specifically designated as non-buildable for home construction.

#### **Traffic and Circulation**

1. The southern end of Street D(adjacent to the Embassy Dr. Stub) will be designed with a cul-de-sac with the back edge of street curb 40 feet from the stub of the Embassy Drive pavement. There shall be a 15 foot wide paved pedestrian/emergency access

with locked post to eliminate any vehicular traffic connecting the Embassy Dr. stub to the cul-de-sac of Street D..

2. Developer agrees to implement all recommendations of the traffic study as amended in this agreement at its cost including all modifications or additions to the traffic signal(s). In addition, the length of all turn lanes (except new street "A" in the Development) shall be extended to 100 feet with a 50 foot taper to allow adequate stacking. This also includes the right hand only turn from existing Resor Rd. City will acquire Right of Way to facilitate this improvement.
3. Developer agrees to construct dedicated left, through, and right hand lanes on Street A coming out of the Development. Developer will decide the final length, but in no case shall any of the lanes to be less than 50 feet in length with an associated 50 foot taper.

#### **Utilities and Drainage**

1. Where possible and advisable by the Public Utilities Department, existing utilities at Ambassador Dr., Embassy Dr., David Pl. and Jeffrey Pl. should be extended to the site.
2. The City Engineer must approve the preliminary drainage plan resolving permanent drainage issues and remedy drainage during the construction phase.

#### **Miscellaneous**

1. The Developer shall submit Homeowners Association (HOA) documents that include private deed restrictions to Planning Commission for approval. These

private deed restrictions shall include requirements for single-family home plans, styles, sizes and elevations as presented by the Developer during the Final Plan approval process.

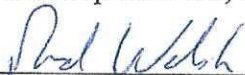
2. A tree preservation plan shall be submitted and approved by City prior to any earth movement on the site.
3. Two street trees per lot shall be planted by the Developer and maintained for one year after installation.
4. The Concept and Final Development Plan will function as the preliminary plat for the property.

Witness:



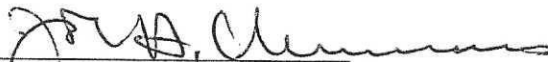
Owner:

Welsh Development Co., Inc.

By:   
David Welsh, President

Date: 12-16-04

Approved as to form:

  
Law Director  
City of Fairfield, Ohio

Approved as to content:

  
Development Services Director