

1 RESOLUTION NO. 2013-105

2
3 SPONSOR Mr. Pry

4
5 DATE April 1, 2013

COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute a quit claim deed and any other**
8 **documents necessary to transfer to Kuchar, LLC, the former Pump Station No. 56**
9 **property owned by the County of Summit (Parcel No. 3303882), pursuant to a reversionary**
10 **clause in a deed dated April 19, 1990, to the County from the H. D. Development Company,**
11 **located in the City of Macedonia, in Council District 1, for the Executive's Department of**
12 **Environmental Services, and declaring an emergency.**

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14 WHEREAS, on April 19, 1990, H. D. Development Company deeded real property on
15 what is now known as Parcel No. 3303882 ("Property") to the County of Summit in order that
16 the County own and operate a waste water pump station on said property. Said deed was
17 properly recorded at Volume 467, Pages 297-299 of the County of Summit Records ("Deed");
18 and

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20 WHEREAS, the County subsequently constructed, owned and operated the Pump Station
21 No. 56 on the Property, located in the City of Macedonia, in Council District 1; and

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23 WHEREAS, on June 25, 2012, County Council unanimously approved Resolution No.
24 2012-259, which confirmed the award by the Board of Control of a construction contract with
25 Nerone & Sons, Inc., for Project Q-162 Pump Station No. 56 abandonment and sanitary sewer
26 improvements project, in an amount not to exceed \$94,732.40; and

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28 WHEREAS, the deed further provided that, in the event the said real property ceases to
29 be used as a sewage pumping station, the real property would revert to the owner of Sublot 3
30 (Permanent Parcel No. 3303862), or its grantors, successors or assigns; and

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32 WHEREAS, Kuchar, LLC, its grantors, successors or assigns are now the successor to
33 the reversionary interest in the subject real property in accordance with a quit claim deed filed
34 and executed at Reception No. 54394861 of the County of Summit Records; and

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36 WHEREAS, Pump Station No. 56 has been abandoned and the County no longer uses the
37 subject real property as a sewage pumping station; and

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39 WHEREAS, pursuant to the deed, the County is required to transfer the Property to
40 Kuchar, LLC; and

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42 WHEREAS, pursuant to the deed, the County seeks to retain a 25-foot wide sanitary
43 easement on the property; and

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45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that authorizing the County Executive to execute a quit claim deed and any other documents
47 necessary to transfer the Property to Kuchar, LLC, or its grantors, successors or assigns pursuant
48 to the deed is necessary and in the best interest of the County of Summit;

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1 RESOLUTION NO. 2013-105

2 PAGE TWO

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4 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
5 of Ohio, that:

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7 SECTION 1

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9 The County Executive is hereby authorized to execute a quit claim deed to Kuchar, LLC,
10 of the real property located on Permanent Parcel No. 3303882 with an easement reservation and
11 any other documents necessary to transfer said real property, in accordance with the deed granted
12 to the County at Volume 467, Pages 297-299 of the County of Summit Records.

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14 SECTION 2

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16 This Resolution is hereby declared an emergency in the interest of the health, safety and
17 welfare of the citizens of the County of Summit, and for the further reason that it immediately
18 authorizes the transfer of the real property to Kuchar, LLC, or its grantors, successors or assigns.

19
20 SECTION 3

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22 Provided this Resolution receives the affirmative vote of eight members, it shall take
23 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
24 effect and be in force at the earliest time provided by law.

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26 SECTION 4

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28 It is found and determined that all formal actions of this Council concerning and relating
29 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and of any of its committees that resulted in such formal action,
31 were in meetings open to the public, in compliance with all legal requirements, including Section
32 121.22 of the Ohio Revised Code.


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35 INTRODUCED March 18, 2013

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37 ADOPTED April 1, 2013

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40 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

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42 APPROVED April 2, 2013

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44 
45 EXECUTIVE

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47 ENACTED EFFECTIVE April 2, 2013

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro