

1 RESOLUTION NO. 2014-280

Late Filing

2
3 SPONSOR Ms. Kurt

4
5 DATE June 16, 2014

COMMITTEE Public Works

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8 **A Resolution granting Bath Township's Treecrest Drive ditch petition, in accordance with**
9 **Section 6131.21 of the Ohio Revised Code, for the Council, and declaring an emergency.**

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11 WHEREAS, on August 10, 2010 a single County ditch petition was filed with the
12 Summit County Clerk of Council requesting the County to clean, remove obstructions from,
13 restore, reconstruct and repair the storm sewer and ditch storm-water drainage system serving all
14 or part of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, and 88 within Yellow Creek Woods,
15 a residential subdivision located in Bath Township, Summit County, Ohio as recorded on Plat
16 Book 65, Pages 31-33 of the records of Summit County, Ohio, including but not limited to the
17 drainage way generally located between Lots 12 and 13 to an adequate outlet; and

18
19 WHEREAS, pursuant to Ordinance 2011-004 and Section 6131.12 of the Ohio Revised
20 Code, this Council granted the proposed improvement as being necessary, to the benefit of the
21 petitioner, conducive to the public welfare and further found that the benefits of the improvement
22 outweigh the costs; and

23
24 WHEREAS, pursuant to Section 6131.14 of the Ohio Revised Code, the Summit County
25 Engineer surveyed the subject properties, prepared plans for the improvement, and submitted his
26 plans, schedules and final report to this Council on May 2, 2014; and

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28 WHEREAS, pursuant to Section 6131.16 of the Ohio Revised Code legal notices were
29 sent by certified mail, return receipt requested to all owners named in the petition; and

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31 WHEREAS, legal notice was placed in the *Akron Beacon Journal* on May 15, 2014
32 giving notice of the date of the Public Hearing required by Section 6131.20 of the Ohio Revised
33 Code; and

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35 WHEREAS, this Council finds and determines, after reviewing all pertinent information
36 that it is in the best interest of Summit County to (i) approve the improvement, (ii) to order the
37 construction of the improvement to proceed and (iii) to assess the petitioner and subject
38 properties for the costs of the improvement and future maintenance, pursuant to Sections
39 6131.21 and 6131.22; and

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41 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
42 of Ohio, that;

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2 PAGE TWO

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4 SECTION 1

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6 Having considered all the evidence offered in the proceedings and after receiving and
7 considering all the schedules, plans, and reports filed by the county engineer, and having
8 reviewed and considered the former order made in favor of the improvement, this Council
9 affirms its former order and finds in favor of the improvement.

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11 SECTION 2

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13 This Council, based upon the report of the Engineer, finds and is of the opinion that the
14 improvement is necessary, will benefit the petitioner, will be conducive to the public welfare and
15 that the benefits outweigh the costs of the improvement and this Ditch Petition is hereby granted
16 pursuant to Section 6131.21 of the Ohio Revised Code.

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18 SECTION 3

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20 This Council hereby authorizes the County Executive, on behalf of the Summit County
21 Engineer, to solicit bids for the work consistent with the plans and schedules submitted to this
22 Council, provided, however that any contract shall be procured pursuant to Chapter 177 of the
23 Codified Ordinances of the County of Summit.

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25 SECTION 4

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27 Pursuant to Section 6131.21 of the Ohio Revised Code and the schedules filed by the
28 Engineer, the capital cost of the improvement shall be assessed against and paid by Bath
29 Township. The schedule of maintenance assessments filed by the Engineer as part of the
30 Engineer's Final Report, and attached hereto as Exhibit A, are hereby approved and shall be
31 transmitted to the Summit County Fiscal Officer to be assessed beginning in 2015 pursuant to
32 Chapters 6131 and 6137 of the Ohio Revised Code.

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34 SECTION 5

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36 This Resolution is hereby declared an emergency in the interest of the health, safety, and
37 welfare of the citizens of the County of Summit; and for the further reason to immediately
38 provide for the public improvement requested.

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40 SECTION 6

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42 Provided this Resolution receives the affirmative vote of eight members, it shall take
43 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
44 effect and be in force at the earliest time provided by law.
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2 PAGE THREE

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5 SECTION 7

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7 It is found and determined that all formal actions of this Council concerning and relating
8 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
9 deliberations of this Council and of any of its committees that resulted in such formal action,
10 were in meetings open to the public, in compliance with all legal requirements, including Section
11 121.22 of the O.R.C.

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14 INTRODUCED _____ June 2, 2014

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17 ADOPTED _____ June 16, 2014

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21 _____
22 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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24 APPROVED _____ June 17, 2014

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EXECUTIVE

June 17, 2014
ENACTED EFFECTIVE

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