

1 RESOLUTION NO. 2010-366

First Reading Passage Requested
Clerk of Council

2
3 SPONSOR Mr. Poda and Council of the Whole

4
5 DATE September 13, 2010 COMMITTEE Public Works

6
7 **A Resolution, authorizing the publication and legal notice for the proposed public**
8 **improvement located in Bath Township, and setting dates for the Public Viewing**
9 **and Public Hearing pursuant to Section 6131.07 of the Ohio Revised Code, for**
10 **Council, and declaring an emergency.**

11
12 WHEREAS, a Ditch Petition has been filed with the County of Summit Council Office
13 pursuant to Section 6131.04 of the Ohio Revised Code requesting the County to clean,
14 remove obstructions from, restore, reconstruct, construct and repair the storm sewer and
15 ditch stormwater drainage system serving all or parts of Lots 11, 12, 13, 14, 15, 16, 17,
16 18, 19, 20, and 21 within Yellow Creek Woods, a residential subdivision located in
17 Bath Township, Summit County, Ohio including but not limited to the drainage way
18 generally located between Lots 12 and 13 to an adequate outlet; and

19
20 WHEREAS, a public viewing and public hearing will provide pertinent information
21 from the County Engineer as to whether the construction of the improvement is
22 necessary and conducive to the public welfare; and

23
24 WHEREAS, the following is the course and termini of proposed said improvement, to
25 wit:

26 Commencing at the beginning of a roadside ditches within the public right-of-way of
27 Treecrest Drive, the southeasterly beginning point being located about 200 feet southeast
28 of the line between said Lots 12 and 13 of Yellow Creek Woods and the westerly
29 beginning point being located about 500 feet west of the intersection of the line between
30 said Lots 12 and 13 of Yellow Creek Woods within the right-of-way of Treecrest Drive;
31 thence, northwesterly about 200 feet and easterly about 500 feet along each side of
32 Treecrest Drive to a road crossing pipe; thence, northerly generally along the line
33 between said Lots 12 and 13 approximately 320 - 350 feet to the northerly boundary of
34 said Yellow Creek Woods; thence continuing northerly approximately 150 feet to an un-
35 named tributary of Yellow Creek and the termini of the improvement.

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37 WHEREAS, this Council has determined, after reviewing all pertinent information, that
38 it is necessary and in the best interest of the County of Summit to authorize the
39 publication and legal notice for the proposed public improvement located in Bath
40 Township, and to set the dates for the Public Viewing and Public Hearing pursuant to
41 Section 6131.07 of the Ohio Revised Code;

42
43 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
44 State of Ohio, that:

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2 PAGE TWO

3

4 SECTION 1

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6 Pursuant to Ohio Revised Code 6131.07 a legal notice shall be published one time in a
7 newspaper of general circulation in Summit County; individual notice to all owners of
8 land which will be benefitted or damaged by construction of the proposed improvement
9 shall be sent by certified mail, return receipt requested, giving notice that a public
10 viewing of the area will take place at 2:00 pm. on Wednesday, October 27, 2010. The
11 view will start on Treecrest Drive at the boundary of Lots 12 and 13 (**696 & 706**
12 **Treecrest Drive, Akron, OH 44333**). A public hearing will take place on Monday,
13 November 29, 2010 immediately following the regularly scheduled 5:30 p.m. Council
14 Meeting, in Council Chambers, Ohio Building – 7th Floor, 175 South Main Street,
15 Akron, Ohio.

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17 SECTION 2

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19 This Resolution is hereby declared an emergency in the interest of the health,
20 safety and welfare of the citizens of the County of Summit and for the further reason to
21 immediately authorize the publication and notice of a viewing and hearing for a
22 proposed public improvement located in Bath Township, Summit County, Ohio.

23

24 SECTION 3

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

29

30 SECTION 4

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

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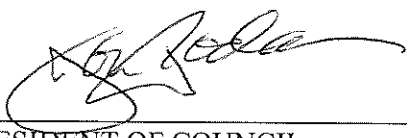
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INTRODUCED September 13, 2010

ADOPTED September 13, 2010


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED September 14, 2010


EXECUTIVE

ENACTED EFFECTIVE September 14, 2010

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith