

1 RESOLUTION NO. 2012-008

2
3 SPONSOR Mr. Pry

4 DATE January 30, 2012

COMMITTEE Planning

6
7 **A Resolution authorizing the Executive to execute a termination of an avigation easement**
8 **granted by Nettie Mohler, Marjorie Mohler Petry and Edwin Petry to the County of**
9 **Summit, the County of Stark and the Akron-Canton Airport on May 13, 1965, which**
10 **permitted the unobstructed flow of air traffic over certain lands near the airport, for the**
11 **Executive's Department of Law, Insurance and Risk Management, and declaring an**
12 **emergency.**

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14 WHEREAS, an avigation easement was executed on May 13, 1965, by Nettie Mohler,
15 Marjorie Mohler Petry and Edwin Petry ("Grantors") for the benefit of the County of Summit,
16 the County of Stark and the Akron-Canton Airport ("Airport"), which permitted the unobstructed
17 flow of air traffic over certain lands owned by the Grantors near the Airport; and

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19 WHEREAS, at the time said avigation easement was granted, the Board of
20 Commissioners of Summit County and the Board of Commissioners of Stark County were the
21 owners and operators of the Airport; and

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23 WHEREAS, subsequent to the grant of the avigation easement, the ownership of the
24 Airport transferred to the Akron-Canton Regional Airport Authority; and

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26 WHEREAS, subsequent to the grant of the avigation easement, the ownership of the land
27 encumbered by said easement was transferred to Stark State College; and

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29 WHEREAS, in order to facilitate development, Stark State College has requested the
30 termination of the avigation easement in exchange for a replacement avigation easement between
31 Stark State College and the Akron-Canton Regional Airport Authority that was executed and
32 filed in September 2011 encumbering certain other lands owned by Stark State College; and

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34 WHEREAS, because the new avigation easement has rendered the prior avigation
35 easement unnecessary, and because the County no longer operates the Airport, the Executive has
36 recommended that this Council authorize the Executive to execute a termination of the prior
37 avigation easement; and

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39 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
40 that it is necessary and in the best interest of the County to authorize the Executive to execute a
41 termination of the aforementioned avigation easement;

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43 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
44 State of Ohio, that:
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1 RESOLUTION NO. 2012-008

2 PAGE TWO

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4 SECTION 1

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6 The Executive is hereby authorized to execute a termination of the avigation easement
7 originally granted on May 13, 1965 by Nettie Mohler, Marjorie Mohler Petry and Edwin Petry
8 ("Grantors") for the benefit of the County of Summit, County of Stark and the Akron-Canton
9 Airport ("Airport"), which permitted the unobstructed flow of air traffic over certain lands
10 owned by the Grantors near the Airport. The termination of the avigation easement will be
11 executed by the County of Summit, County of Stark, Akron-Canton Regional Airport Authority
12 for the benefit of Stark State College, the current owner of the encumbered land. A copy of the
13 termination of the avigation easement is attached hereto as Exhibit A.

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15 SECTION 2

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17 This Resolution is hereby declared to be an emergency in the interest of the health, safety
18 and welfare of the citizens of the County of Summit and for the further reason that it is necessary
19 to immediately terminate the aforementioned avigation easement to facilitate development at
20 Stark State College.

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22 SECTION 3

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


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28 SECTION 4

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30 It is found and determined that all formal actions of this Council concerning and relating
31 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
32 deliberations of this Council and any of its committees that resulted in such formal action were in
33 meetings open to the public, in compliance with legal requirements, including Section 121 .22 of
34 the Ohio Revised Code.

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37 INTRODUCED January 9, 2012

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39 ADOPTED January 30, 2012

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43 CLERK OF COUNCIL

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46 PRESIDENT OF COUNCIL

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48 APPROVED January 30, 2012

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50 
51 EXECUTIVE

ENACTED EFFECTIVE January 30, 2012

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