

1 RESOLUTION NO. 2012-176 First Reading Passage Requested  
2 (A. Dunchuck)  
3 SPONSOR Mr. Pry and Mr. Kostandaras  
4  
5 DATE April 30, 2012 COMMITTEE Planning  
6

7 **A Resolution amending the assessments of the residents of The Forest At Kings Creek,**  
8 **located in Richfield Township, Council District 1, for drainage maintenance, for the**  
9 **Engineer, and declaring an emergency.**

10  
11 WHEREAS, by Resolution No. 2002-428, this Council approved the plat for The  
12 Forest At Kings Creek; and

13  
14 WHEREAS, by Resolution No. 2012-175, this Council will be approving the replat  
15 for The Forest At Kings Creek; and

16  
17 WHEREAS, said plat included a drainage maintenance assessment provision signed by  
18 all owners of parcels located within said Subdivision, with said provision applying to  
19 subsequent owners of the same parcels; and

20  
21 WHEREAS, assessments for drainage maintenance also are permitted by Sections  
22 6137.02 and 6137.03 of the Ohio Revised Code; and

23  
24 WHEREAS, the County Engineer seeks to amend the drainage maintenance  
25 assessments for said Subdivision and to fully execute its powers and duties thereof; and

26  
27 WHEREAS, the County Engineer has prepared a Special Assessment Worksheet,  
28 which is attached and marked as Exhibit A, which apportions necessary charges for drainage  
29 maintenance among the Subdivision's benefited parcel owners; and

30  
31 WHEREAS, this Council finds and determines, after reviewing all pertinent  
32 information, that the acceptance and approval of the aforementioned amended assessments  
33 is necessary and in the best interest of the County of Summit;

34  
35 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
36 of Ohio, that:

37  
38 SECTION 1

39  
40 A drainage maintenance fund for The Forest At Kings Creek, located in Richfield  
41 Township, Council District 1, is hereby amended.

42  
43 SECTION 2

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45 Owners of parcels within The Forest At Kings Creek subdivision shall be assessed for  
46 drainage maintenance per the attached Special Assessment Worksheet, Exhibit A hereof.  
47 Each assessment is proportional to the estimated benefit to the respective parcel.  
48

1 RESOLUTION NO. 2012-176

2 PAGE TWO

3  
4 SECTION 3

5  
6 Pursuant to Section 6137.03 of the Ohio Revised Code, the Clerk of Council shall  
7 certify the attached assessments to the County Fiscal Officer for placement on the next  
8 succeeding tax duplicate to be collected and paid.

9  
10 SECTION 4

11  
12 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
13 welfare of the citizens of the County of Summit, and for the further reason to immediately  
14 fund necessary drainage maintenance in The Forest At Kings Creek subdivision.

15  
16 SECTION 5

17  
18 Provided this Resolution receives the affirmative vote of eight members, it shall take  
19 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
20 effect and be in force at the earliest time provided by law.

21  
22 SECTION 6

23  
24 It is found and determined that all formal actions of this Council concerning and relating  
25 to the adoption of this Resolution were adopted in an open meeting of this Council, and that  
26 all deliberations of this Council and of any of its committees that resulted in such formal  
27 action, were in meetings open to the public, in compliance with all legal requirements,  
28 including Section 121.22 of the Ohio Revised Code.

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31 INTRODUCED April 30, 2012

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33 ADOPTED April 30, 2012

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38 CLERK OF COUNCIL

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43 PRESIDENT OF COUNCIL

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45 APPROVED May 1, 2012

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47  
48   
49 EXECUTIVE

50 ENACTED EFFECTIVE May 1, 2012

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